

Street-Level Judgments: How the Role of Judges Influences the Decision to Collaborate in Juvenile Courts

By

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Abstract

The use of problem-solving collaborations, much like in other areas of public management, is widespread in the United States juvenile court system. These problem-solving collaborations include, but are not limited to, problem-solving, or accountability, courts; citizen review panels; and multi-disciplinary or inter-agency review teams. As expected in public administration discourse, the notion of collaboration is deemed an imperative, and many juvenile court judges engage their courts in collaborative partnerships in order to provide innovative solutions to meet the needs of vulnerable youth and their families.

Nevertheless, the use of problem-solving collaborations is often at odds with some of the central features commonly associated with the judicial system, particularly as it relates to notions of accountability, due process, and representation. Some scholars, in fact, argue that the presence of collaborations shifts the role of judges from objective arbiters to more centralized, team-player roles.

This dissertation explores the factors that lead juvenile court judges to engage problem-solving collaborations. Relying on neo-institutional theory, street-level bureaucracy theory, and collaborative governance theory, and using semi-structured interviews and document analysis, I find that judges use their discretion in their dual roles as street-level bureaucrats and as managers to determine whether and how to collaborate. Specifically, I argue that juvenile court judges are most likely to engage problem-solving collaborations when such collaborations promote the goals of the court and when the use of collaboration aligns with a judge's own conception of his/her professional identity.

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Chapter 1: Collaboration in the Juvenile Courts

. . . my robe is hanging in my office and my sleeves are rolled up and I'm in the community where these services are being provided, where these collaborations are being affected. I can tell you that I probably work after hours and on weekends [on these] collaborative engagements an average of 4 to 5 hours a week at a minimum, sometimes even more. That's a necessity these days. You have to make sure that number one that you lead by example and by getting into the public and showing the public that you are concerned about the families; they get that concept that they should be concerned about these families. If a judge is going to put a robe on the hook and go out into the streets, that's a good example . . . (Juvenile Court Judge, Author Interview)

The purpose of this dissertation is to explore the decision-making factors that lead juvenile court judges to engage different types of collaborative arrangements. In many ways, the use of collaborations by judges seems to be incompatible with the traditional judicial role in which the judge is a neutral arbiter between competing, adversarial positions (see e.g., Portillo et al., 2013). Collaborations blur the adversarial opposition of the parties and complicate the judge's neutrality. These arrangements turn the judge into something like a manager of a collaborative courtroom workgroup. How and why juvenile court judges, who are steeped in the norms of procedural justice and the adversarial process, have come to accept and even celebrate these collaborative arrangements is the core question of this dissertation.

Collaborative judicial arrangements come in various forms, including, but not limited to,

interagency review teams, accountability or problem-solving courts, and community partnerships. They are especially prominent in the context of dependency (e.g., abuse or neglect) cases where most courts have moved from a mostly reactionary judicial system to a “system of intervention,” or in cases involving juveniles who have been designated as “children in need of services” (Ventrell, 1998; Widner, n.d.). In today’s juvenile court system, where judges also hear delinquency-related matters, courts offer “street-level” services to both families and children that extend well beyond mere adjudication into the realm of social services (Prescott, 2009). According to Hill and Lynn (2003), these services include what they call “independent products” such counseling, residential placements, training, case closures or mediation services” for families and children under the courts’ jurisdiction as well as what they term “collaborative products,” particularly in cases involving the victimization of children, which include “continuity of care, wrap around, family support services or integrated (holistic) services” (p. 66) (internal quotations omitted).

In addition to some of the collaboration types mentioned above, there are other common types of collaborations engaged by juvenile courts across various states (Berman and Feinblatt, 2001; Boldt and Singer, 2006; Bonnie et al., 2013; Clark, 2000; Cauthen, 2014; Dickerson et al., 2012). These common types include accountability or problem-solving courts, where families and children are viewed as clients of the court and where judges, social workers, treatment providers, and other relevant stakeholders work together with treatment or rehabilitation as the goal (Portillo et al., 2013). These also include citizen review panels or volunteer boards which are defined as partnerships between juvenile courts and interested community members who volunteer to provide, as one judge stated, a “checks and balance” on judicial processes or a review on individual

cases (see e.g., Wilkes, 2015).¹ These citizen-volunteers act as “sworn officers of the court” and work interdependently to provide recommendations in the best interest of children in primarily dependency cases (Child Welfare Policy Manual, 2019, p. 11). Finally, multidisciplinary teams - which are often collaborations involving the courts, other local state agencies, and other interested stakeholders - have a myriad of purposes such as determining best practices for the court system or creating continuity of care programs (see e.g., Dickerson et al., 2012).

For the purpose of this study, I will collectively refer to collaborations engaged in juvenile court systems as “problem-solving collaborations” – arrangements where courts directly engage other state agencies and private and/or nonprofit entities such as social welfare agencies, mental health treatment providers, substance abuse treatment providers, educators and/or concerned citizens to solve complex problems or to help adjudicate disputes faced by parties under the court’s jurisdiction (Baum, 2011; Ansell and Gash, 2008; Casey, 2004). As noted above, while problem-solving courts encompass one type of problem-solving collaboration, my definition denotes a broader and more inclusive institutional phenomenon than problem-solving courts.

Although the use of problem-solving collaborations expands the ability of juvenile court judges to effectively address multifaceted issues – indeed, collaborative arrangements aim to broaden judicial efforts to include both adjudication and “rehabilitation and treatment” (Rudes and Portillo, 2012, p. 404) – they are normatively complicated from the perspective of a traditional court and a traditional judicial role (see Portillo et al, 2013). Specifically, problem-solving collaborations exist on a continuum (see Figure 1.1: *Common Types of Problem-Solving Collaborations*). As the continuum moves toward the left, juvenile courts successfully reduce the

¹ For the purpose of this study, these citizen review panels or foster care review boards are distinguished from the Citizen Review Panels (CRP) authorized under the federal Child Abuse and Prevention Treatment Act (Collins-Camargo et al., 2009).

number of families and children that come before the court. These collaborations are mostly concerned with prevention – intercepting children and families before they fall under the court’s jurisdiction - or remediation early in the process of adjudication. In comparison, as the continuum moves toward the right, juvenile courts potentially lose some of the key features typically associated with the judicial system. Indeed, there are important trade-offs associated with problem-solving collaborations such as citizen review panels and problem-solving courts. These potential tradeoffs sometimes include a diminished version of legal principles. It is for this reason that citizen review panels and problem-solving courts are ultimately the focus of this study.

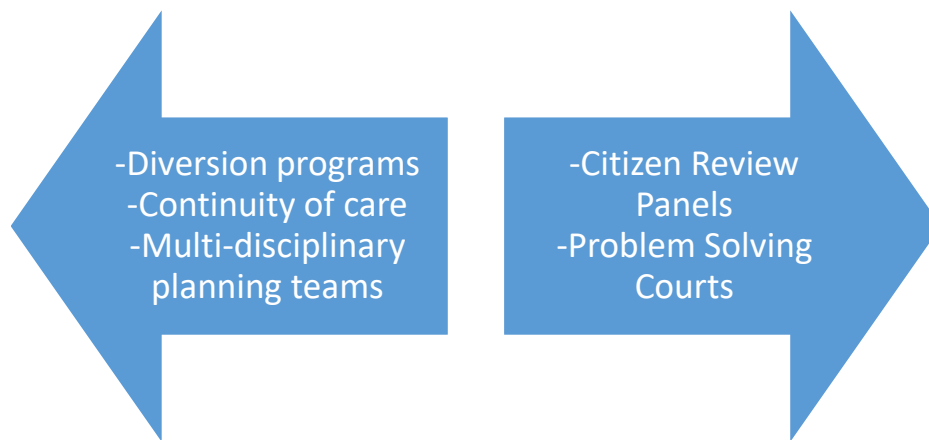


Figure 1.1: Common Types of Problem-Solving Collaborations²

Specifically, in the context of citizen review panels (or volunteer boards) and problem-solving courts, judges often trade-off important legal values such as representation and due process (e.g., judicial overreach), respectively (Berman and Feinblatt, 2001; Boldt and Singer, 2006; Lane, 2002; Tyner and Collins, 2017). Judges in these settings must contend with the diverse and sometimes conflicting goals, missions, and institutional logics represented at the metaphorical

² Each figure and table in this dissertation was created by the author unless otherwise stated.

table (O’Leary and Vij, 2012). While traditional judicial systems “fit the conception of the [court] as a neutral third party interposed between disputants,” these collaborative arrangements often “seem[] less neutral, more wedded to [alternative and diverse] way[s] of thinking about the issues that come before [them]” (Baum, 2011, p. 216). As a result, critics worry that individual protections and other values traditionally protected by other judicial processes (e.g., state courts, superior courts) may be lost using collaborative governance arrangements in the juvenile justice system (Casey, 2004; Lane, 2003). Particularly in the context of problem-solving courts, opponents argue that judges abandon decision-making processes that are rooted in “law and fact” in favor of becoming “a part of a treatment team” (Casey, 2004, p. 1459). Casey (2004), for example, argues that “by permitting a judge to step out of the role of neutral arbiter, problem-solving courts differ from traditional courts in ways that arguably define the essential nature of a court” (p. 1463). Indeed, many of the features that are central to a traditional court system – particularly adherence to the rule of law and due process – may become overshadowed by the collaborative process.

Nonetheless, a growing number of judges participate in problem-solving collaborations (see Appendix A), viewing such arrangements as necessary in aiding them in meeting their duties to serve in “the best interest of the child.” Ventrell (1998) notes that the juvenile court system has long held a “child-saving” philosophy. While cases like *In Re Gault* (1967) afforded juvenile delinquents important constitutional rights such as the right to counsel and the right against self-incrimination, the Supreme Court’s rulings did little to impede the philosophy of juvenile courts as it relates to vulnerable children (Ventrell, 1998).

The purpose of this dissertation is to explore the normative decision-making factors and theoretical underpinnings that lead some juvenile court judges to engage in problem-solving

collaborations. First, I will provide a brief overview of the role of collaboration in contemporary public administration and management. Then, I will frame my research questions through the theoretical lens of neo-institutionalism, street-level bureaucracy theory, and collaborative governance theory. Finally, I will discuss my methodology for the dissertation and provide an overview of the remaining chapters. While other studies have explored the role of judges as participants in collaborations such as problem-solving courts (e.g., Portillo et al, 2013), this study focuses on *why* juvenile court judges integrate problem-solving collaborations in the day-to-day work of the courts.

Role of Collaboration

Over the last several decades, the hallmark of modern governance in the United States has been characterized by third-party partnerships that exist outside of the traditional walls of government (Milward and Provan, 2000). Indeed, federal, state, and local governments continue to engage in alternative forms of governance to meet the growing demands of citizens (Bryson, et al, 2015; Cooper, 2003; Milward and Provan, 2000). Central to these governing mechanisms are collaborative relationships that encourage partnerships between state and non-state actors.

Within contemporary public administration and public management scholarship, there are many ways to define the term collaboration (O’Leary, 2018; O’Leary and Vij, 2012). For instance, Thomson and Perry (2006) define collaboration as a mechanism that “occurs over time as organizations interact formally and informally through repetitive sequences of negotiation, development of commitments, and execution of those commitments” (p. 21). Comparatively, Ansell and Gash (2008) assert that a collaboration is any “governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative and that aims to make or implement

public policy or manage public programs or assets” (p. 544). Bryson et al (2006) argue that collaboration is “the linking or sharing of information, resources, activities, and capabilities by organizations in two or more sectors to achieve jointly an outcome that could not be achieved by organizations in one sector separately” (p. 44). Forrer et al (2014) distinguish cross-sector collaborations and intergovernmental collaborations by defining the former as any “interaction of two or more of the three organizational sectors: the public sector (governmental units at all levels – local, state, and national), the private or for-profit sector, and the nonprofit or not-for-profit sector” (p. 9).

While definitions of the term “collaboration” alternatively focus on the process, structure, degree of formality, and participatory arrangements that determine membership in a collaborative partnership (O’Leary, 2018; see also Agranoff and McGuire, 2003; Amsler and O’Leary, 2017; Bardach, 1998; Bryson et al, 2006; Mandell and Steelman, 2003), it is clear that collaboration is an encompassing term that represents a set of “choices for public managers” (Forrer et al 2014, p. 15) or strategic public management tools (Huxham et al, 2000) that may be used to facilitate the production and/or provision of public policies and services. More specifically, collaborative arrangements include a range of options. These options include, but are not limited to, informal partnerships, contracting, collaborative networks, public-private partnerships, and privatization (Forrer et al, 2014). Moreover, scholars studying collaboration also make clear that individual members of collaboration do not always (although they often do) represent larger organizations and that lay citizen involvement is possible (Ansell and Gash, 2008; O’Leary et al, 2009; Provan et al, 2004).

Although the concept of collaborative governance is increasingly studied in public administration/public management scholarship as a result of an epistemological shift from a focus

on government to governance, collaboration “is not really a new concept” (Gray, 1989, p. 5; see also Bingham et al, 2005; O’Leary, 2018; O’Leary et al, 2009); its use is often viewed as an imperative by public management scholars and practitioners alike (Kettl, 2006). Indeed, as citizens increasingly demand public services and governments strive to cut costs, such pressures compel public managers to “steer rather than row,” by focusing on policy tools and public management strategies commonly associated with a hollowed-out government (Denhardt and Denhardt, 2000, p. 549; see also Milward and Provan, 2000). Still, there are several potential challenges and pitfalls that public service providers face when engaging other state and non-state actors, including the potential erosion of democratic accountability and decreased production of public values. Similarly, in the context of the juvenile justice system, some of the defining components of an otherwise adversarial system are sometimes relaxed for the sake of meeting the aspirational goals of the court.

Collaboration as an Imperative

Contemporary public management scholars argue that individual government agencies and organizations cannot effectively and successfully meet the challenges inherent to 21st century governance in the absence of collaboration (Kettl, 2006). Issues such as climate change, domestic terrorism, and emergency preparedness often necessitate coordination from the public, private entities, not-for-profit organizations, and citizens. There are a number of reasons offered as to why collaboration is important. Significantly, scholars assert that collaboration allows the accomplishment of goals and shepherding of solutions that could not be accomplished by one organization alone (Huxham and Vangen, 2013).

However, the idea that collaboration is an imperative, according to O’Leary (2018) and Bingham and O’Leary (2011), existed since the founding of America. As explained by Cooper

(2003), the Founders framed the United States Constitution to guard against a “weak, poorly organized, and economically dysfunctional government” characterized by tyranny by creating a structure of government that limited the powers of any one branch or level of government (p. 17). Moreover, the Founders built a nation that required its leaders to cooperate and collaborate with each other and that required the national and state governments to not only “regulate the economy but [] to participate in it as well” (Cooper, 2003, p. 23; see also Bingham and O’Leary, 2011). Implicitly, Article I of the Constitution provides a framework for collaboration between the President and administration agencies and Congress through the legislative process and the “necessary and proper clause,” while Article II encourages collaboration between the states and national government (Bingham and O’Leary, 2011; O’Leary, 2018).

During the last thirty years, reinventing government reformists have put strong pressures on all levels of government to shift the focus from merely contracting goods and supplies to outsourcing and sharing the burden of producing and providing traditional public services (Osborne and Gaebler, 1993). Indeed, the New Public Management (“NPM”) movement “emphasized deregulation, decentralization, downsizing, and outsourcing” as a means of producing a partner-dependent government where public services are now produced through multi-sector, multi-organizational efforts (Cooper, 2003, p. 45; see also Henry, 2011).

Today, in the United States, the federal and subnational governments outsource government functions and services for several reasons. Primarily, governments use collaboration - particularly in the form of contracting or privatization - as a tool to save taxpayers money and to respond to other external fiscal pressures. Advocates of contracting and privatization argue that due to the presence of competition and market forces, private firms can deliver services in more efficient and innovative ways (Savas, 2000).

Today, scholars and practitioners view collaboration, in all forms, as “an indispensable part of democracy” (Vigoda 2002, p. 529) that represents a form of governance used to facilitate problem-solving through the combined efforts of public managers, private entities, nonprofit organizations, and/or citizens, for example, in a manner that is innovative, equitable, and characterized by probity (Amsler and O’Leary, 2017). As explained by Amsler and O’Leary (2017), collaboration transpires under a number of circumstances that may be “emergent” or “mandatory,” with participants acting in agreement or discord (p. 634). In addition, the idea to collaborate may be endogenous or exogenous to an organization or agency. Finally, collaborations may be highly formalized or informal, with levels of citizen involvement varying (Amsler and O’Leary, 2017).

More importantly, collaboration is used to address some of the most pressing contemporary public issues that exist in American society today. Here, I provide some illustrative examples:

- Freeman (1997) argues that political scientists, sociologists, and legal scholars largely agree that governance is a “shared” endeavor in the administrative state.
- Waugh and Streib (2006) assert that collaboration provides a necessary policy tool when effectively responding to and preparing for natural and man-made disasters and crises including terrorism.
- Reddick (2008) examines the positive perceptions of city managers regarding the use of collaboration in the context of homeland security preparedness.
- Dickerson et al. (2012) examine the benefits and opportunities of integrating interagency collaborations within the juvenile justice system as a response mechanism to substance abuse and mental health issues.

- Torchia et al (2013) explore the use of public-private partnerships as a means of addressing emerging global healthcare policy issues.

In addition, there are several reasons why public managers use collaboration as a public management tool (Silva, 2018). Silva (2018) argues, for example, that collaboration occurs as a result of isomorphic pressures. Institutional isomorphism describes a process in which organizations existing within the same institutional field become more similar over time due to external and internal pressures (DiMaggio and Powell, 1983). Isomorphic transformations result when organizations, needing legitimacy for the sake of survival, are shaped by external and internal pressures that cause organizations to move toward homogeneity (DiMaggio and Powell, 1983). In the context of public management, government and other public organizations face isomorphic pressures to collaborate that include “normative, legal, and regulatory” elements (Bryson et al, 2006, p. 45; see also Silva, 2018; Skelcher and Sullivan, 2008).

Challenges of Collaboration

While collaborative public management allows “multi-organizational arrangements to solve problems that cannot be solved or easily solved by a single organization” (O’Leary and Vij, 2012, p. 508), there are important challenges that need to be considered. As explained by Agranoff (2007), “we should not be impressed by the idea of collaboration per se, but only if it produces better organizational performance or lower costs than its alternatives” (p. 156). Here, I consider three categories of challenges: (1) challenges to democratic accountability, (2) challenges related to the rule of law, and (3) challenges of effectiveness.

First, most collaborative partnerships between government agents and private entities, individuals, and/or non-profits lack the appropriate mechanisms, such as voting, that would allow citizens to hold non-governmental service providers accountable (Brehm and Gates, 1999;

Denhardt and Denhardt, 2007). Indeed, when considering democratic accountability, the primary aim centers on whether citizens may hold public service providers to account regarding their responsibilities to represent, reflect, and respond to the public interest and their responsibility to “enhance[] . . . political deliberation, civility, and trust” (O’Toole, 1997, p. 448; see also, Willems and Van Dooren, 2011). This is important because those who deliver public services to citizens play an influential role in granting or denying benefits that citizens receive. In fact, those charged with producing public services are “responsible for many of the most central activities of [public administration]” (Meyers and Vorsanger, 2003, pp. 4-5).

As a result, when governments engage external stakeholders, particularly non-state actors, to act as partners in the production of public service delivery or in the implementation of public policy, the government also transfers the authority of the state to grant membership in the polis to the citizen-clientele they serve (Glenn, 2011). Here, the concept of membership may be constructed and conferred in different ways. For example, when considering the boundaries of membership, distinctions may be made between the formal legal statuses conferred upon individuals and the manifestation of substantive citizenship that individuals receive based on the rights and benefits obtained in their communities (Glenn, 2011). More importantly, the granting of substantive citizenship becomes central to the core identity of democracy. Of concern, however, is that “most collaborations . . . undertake decisions and innovations beyond the view of elected officials and the public” (Page et al, 2015, p. 716).

Nevertheless, Meier and O’Toole (2006, p. 5) assert “all institutions of governance . . . can be appropriately assessed for their contribution to democracy.” Traditionally, this assessment has focused on how elected officials control and constrain non-elected officials in the implementation and delivery of public services and, in turn, on how citizens are able to hold their leaders, including

non-elected bureaucrats, accountable. Consequentially, accountability focuses on whether mechanisms exist for citizens to not only be able to elect or choose those in office, but also remove and sanction them (Klijn and Edelenbos, 2012).

This focus on overhead democracy is primarily grounded in the politics-administration dichotomy, and the general ideas that support the principal-agent model form the foundation for studying democratic control (Waterman and Meier, 1998). Firmly rooted in academic disciplines such as economics, finance, and law, principal-agent models provide scholars with a means to explain the behaviors of and the relationships between principals – traditionally characterized as elected officials in the context of governmental service provision or as public managers in the context of collaborations – and of agents – bureaucrats/non-elected officials or third party partners and collaborators (Van Slyke, 2007; Meier and O’Toole, 2006).

Within public administration scholarship, the term accountability has a few meanings and definitions depending on the context in which it is used (Chan and Rosenbloom, 2010). One of the most well know typologies used to define accountability, however, was outlined by Barbara Romzek and Melvin Dubnick in 1987. According to Romzek and Dubnick (1987), there are four types of accountability: (1) legal accountability, (2) professional accountability, (3) political accountability, and (4) bureaucratic accountability. In comparison, Koliba, et al (2011) argue that because interorganizational networks, often consisting of some combination of public, private and/or non-profit organizations, face complex problems, an appropriate accountability model should consist of considerations of democratic, market, and administrative relationships. When accountability is “framed as democratic accountability,” “elected [officials] and citizens serve as the actors to whom accountability must be rendered” (p. 212). In comparison, when accountability is framed as market accountability, the focus shifts to shareholders and consumers, depending on

the sector. Finally, administrative accountability “focuses on the processes, procedures, and practices that are employed in the administration and management of formally organized social networks” (p. 213).

There are also different ways in which accountability can be empirically and conceptually measured. When thinking about how to analyze organizational accountability to citizen-clients and government agencies in the context collaborating through public service delivery, however, a focus on democratic or political accountability becomes relevant. When studied empirically, scholars often use case studies, and to a lesser extent survey data, to determine the level of democratic or political accountability being directed toward citizens (e.g., Chan and Rosenbloom, 2010; Moncrieffe, 1998; Romzek, et al, 2013). Reviewing these cases, responsiveness and the availability of information provide ways that accountability can be measured (Brandsma and Schillemans, 2012).

In the context of collaboration, there are also a few potential pitfalls related to accountability. As discussed, collaborations, whether public-private partnerships or networks, for example, involve multiple members – both individually and at the organizational level – who are characterized by diverse and sometimes conflicting goals, missions, and organizational cultures (O’Leary and Vij, 2012). As a result, lines of accountability and responsibility are blurred as each collaborative partner must consider the needs and demands of divergent stakeholders. Furthermore, it is important that the public interest and the rights of citizens do not become sidelined in the process (Bozeman, 2007; Reynaers, 2014).

Of comparative concern, scholars note that non-governmental entities are “typically free from the constitutional and administrative law provisions that apply to public agencies,” even in the context of public service provision and collaboration (Rosenbloom and Hung 2009, p. 332; see

also Forrer et al, 2014). Of greater concern is the argument that government agencies may use third sector parties to undercut ethical and legal standards that govern the work of public officials (Keeler, 2013; Rosenbloom and Hung, 2009).

While governments enter into collaborative relationships with nonprofits, private firms, and individuals to broaden the range of services they can deliver to citizen-clients, a great deal of collaborative partnerships exist without legal instruments to govern the behavior of those at the table (Lawson, 2004). Even when collaborations are mandated by statute or where government agencies maintain time and resources to appropriately monitor the actions of third parties, “hierarchical power, direct surveillance, [and] detailed contracts” prove inefficient to guard against all of the challenges presented by collaborations (Edelenbos and Klijn, 2007, p. 26).

Beyond scholarship discussing the pitfalls of the make-or-buy decisions or the transaction costs associated with contracting (Brown et al, 2006; Hypko et al, 2010; Van Slyke, 2007; Yang et al., 2009), there is a dearth of research exploring the relationship between collaboration and law in public administration scholarship. While there exists an ongoing debate regarding the appropriateness of collaboration – particularly privatization and contracting-out – as an alternate governance tool (Cooper 2003; Gilmour and Jensen, 1998; Savas, 2000), some of research is grounded in management-based principles where the primary concern regards efficiency and cost-effectiveness (Brown et al, 2006; Cooper, 2003; Savas, 2000). In the minority sit scholars who study collaboration with a degree of skepticism and caution and who argue that law-based, democratic principles, such as equity, representation, and justice, are given short-shrift in the discussion (Amsler, 2016; Gilmour and Jensen, 1998; Moe, 1987).

In many ways, the application of management versus legal/democratic principles, as demonstrated by the debates regarding collaboration, particularly as it relates to contracting and

privatization, has been one of the most important intellectual struggles to characterize the public administration intellectual landscape (Christensen, et al, 2011; Lynn, 2009). Although both approaches seek to “balance discretion/innovation and accountability,” these intellectual approaches are viewed as conflicting, separate, and distinct (Christensen, et al, 2011, p. i125). As explained by Leonard White (1955), many scholars in the field have long believed that public administration “should start from the base of management rather than the foundation of law” (p. 51), even though the realm of public administration is “bound by the rules of administrative law as well as by the prescriptions of constitutional law” (p. 52; cited by Christensen et al, 2011). Fearing the constraints imposed by the rule of law on administrative discretion and innovative problem-solving, some public administration scholars give attention to issues of performance and efficiency as a means of promoting a well-functioning government (Christensen, et al, 2011).

Finally, although scholars focus more on whether third-party providers meet the efficiency related goals directed down from elected officials to public managers rather than whether such providers are meeting citizen demands and needs (Hefetz and Warner, 2004), it is unclear whether collaborations are always effective (Longoria, 2005). Effectiveness may be defined in more than one way. Some scholars, for example argue that “collaborations should be judged on whether they produce public value from the standpoint of various stakeholders” (Bryson, et al, 2015, p. 649; see also Agranoff, 2007; Page et al, 2015). Similarly, Page et al (2015) suggest that the focus should be on whether a collaboration achieves its stated goals, adheres to any applicable rules or directives, and supports the public interest in a manner that is efficient and cost-effective (p. 716).

On the other hand, Mandell (2002) asserts that the question is not whether collaborations are effective but whether the appropriate type of collaboration is being used for the right situation.

While some collaborative efforts need only be temporary, others need the mandate of the state in order to give force and legitimacy.

Collaboration in the Juvenile Court System

Much like in other public organizations, collaboration within the U.S. juvenile court system is widely used across a continuum of services as a tool to meet established court aims and goals (see Figure 1.1). Specifically, problem-solving collaborations include the use of family drug treatment courts; diversion programs; mediation and alternative dispute programs; interagency collaborations between courts and substance abuse and/or mental health providers; interagency collaborations between courts and educational institutions; interagency collaborations between courts and law enforcement and social welfare agencies; and community-based collaborations (Chuang and Wells, 2010; Dickerson et al, 2012; Hellriegel and Yates, 1999).

Established in 1899 in Chicago, Illinois, juvenile courts represent one of the oldest types of specialized courts in the United States (Baum, 2011). The legislation passed in the state of Illinois served as a model for other states, and it provided special protections for delinquent and abused/neglected children (Ventrell, 1998). Indeed, throughout the 20th century, the juvenile court system evolved as its role in the protection of vulnerable children was institutionalized. Notable events included the passage of protectionary measures on behalf of children such as the adoption of mandatory reporting laws across 44 states by 1967 and the passing of the Child Abuse Prevention and Treatment Act of 1974 on the federal level (Ventrell, 1998). Today, dependency cases require special processes and incorporate specific timelines for judicial hearings (Ventrell, 1998).

In many respects, juvenile courts retain some of the features of traditional courts (Baum, 2011; Casey, 2004; Chayes, 1976).³ Like other courts, juvenile courts are both empowered and constrained by principles of due process and other important tenets of the law that traditionally, direct judges to adjudicate rather than solve broader social issues (Baum, 2011; Binard, 2000).⁴

On the other hand, juvenile courts feature unique procedures that differ from other courts in regard to how dependency and delinquency cases are handled. In regard to dependency cases, one judge explained:

When my court gets involved in a dependency case when [a social worker] actually removes a child, at least temporarily, from the parents' custody . . . [the social welfare agency] has a lot of interactions . . . that the court does not get involved in . . . But once [the social welfare agency] decides that they want to remove a child . . . well, first of all, before they can remove a child, they have to call and get permission – a protective order – and if that's granted, then we have to have a hearing within 72 hours once that removal takes place and that hearing is when everybody is represented by an attorney. When a child is first removed, it's more like a [social] worker calling the court and asking – stating why they want to remove the child and the judge has to determine at least whether there is a basis to remove the child and then you have a preliminary hearing. At that preliminary hearing, the parents are appointed counsel if they can't afford one and the child

³ Chayes (1976) describes the features of a traditional court: “a retrospective view, an adversarial environment, a reliance on positive law, a static operational model, appellate review, and a primarily adjudicative function” (Casey, 2004, p. 1463).

⁴ In the 1960s, the U.S. Supreme Court transformed the juvenile court system as it relates to delinquency cases by affording children under the courts' jurisdiction constitutionally protected rights. According to Ventrell (1998), an ongoing debate regarding the consequences of these decisions continue to exist. While some celebrate the provision of rights, others see these decisions as a vehicle to treat children like criminals.

has an attorney, which is an advocate in [my] county . . . different counties, different jurisdictions use different models for child attorneys. Some – they vary between guardian ad litem and being a true advocate and [in my county] it’s more like a true advocate, and [the social welfare agency] has an attorney which is the special assistant attorney general representing [the social workers]. So at a probable cause hearing, everyone has an attorney and the parents are informed why the child was removed and with the attorneys present, the court determines whether or not there was probable cause . . . we have to have an adjudicatory hearing within 10 days if the parents request . . . you still want to try to do it definitely in 30 days unless there is extenuating circumstance . . . and then at the adjudicatory hearing, all of the rules of evidence are taking place. You have a different standard of proof . . . the petition is sustained then the child is actually placed into care and the parents have to be given a case plan for reunification. Juvenile courts are primarily reunification courts. I’m going to try to keep families together . . . Usually, what the policy is, is to try to give them a case plan so that the family can be reunified within something like 12 to 18 months. But after 18 months . . . if enough progress is not being made, the policy may call to grant a child a guardianship with a relative or termination of parental rights. (Juvenile Court Judge, Author Interview)

In addition, contemporary juvenile court systems incorporate other features that sometimes seem at odds with the traditional judicial emphasis on the rule of law and due process. Specifically, juvenile courts operate under a logic of rehabilitation and treatment (Binard, 2001; Portillo et al 2013; “Rights and Rehabilitation”, 1967; Weston, 2016). Indeed, while both delinquency and dependency cases fall under the jurisdiction of juvenile courts, many juvenile court judges believe

that children and their families deserve special protections and considerations when faced with the penalties, sanctions, and judgments of the law (Binard, 2001). Therefore, it is not unreasonable that judges and other members of the courtroom workgroup look for creative solutions to solve complex problems faced by children and families that cannot easily be addressed behind the bench. In fact, many juvenile courts now participate in problem-solving collaborations aimed at addressing wicked problems such as substance abuse addiction, child abuse and negligence, and mental health issues through the use of treatment strategies that seem at first blush more akin to those found in social work settings than in traditional courts.

An overview of socio-legal scholarship reveals that there are a number of reasons why juvenile court judges, and judges in general, collaborate. Specifically, there are several practical reasons why juvenile court judges engage in problem-solving collaborations:

- Judges must respond to the rise in caseloads and decreases in administrative capabilities (Berman and Feinblatt, 2001; Neitz, 2011);
- Community-based, faith-based, and/or nonprofit responses to “problems like addiction, mental illness, . . . and domestic violence” are sometimes viewed as inadequate (Berman and Feinblatt, 2001, p. 128);
- The law often provides juvenile courts with a mandated mission to serve the best interest of children, with goals like reunification and rehabilitation in mind (Edwards and Ray, 2005; Green, et al, 2008);
- The juvenile court provides a vehicle for timely, coordinated treatment services to be provided to children and families in a manner that cannot be accomplished by one organization alone (Green, et al, 2008);

- Problem-solving collaborations are a part of the natural evolution of a growing therapeutic jurisprudence (Boldt and Singer, 2006).

Nevertheless, the use of collaboration in the juvenile court poses challenges that often seem at odds with the core components of the judicial system. For instance, there are serious ethical concerns that attorneys may face when courts participate in problem-solving collaborations (Hora et al, 1999). Consider the following examples:

- Parties served by problem-solving collaborations often waive certain rights, such as the right to have representation, in order to participate in such collaborations like citizen review panels (Hora et al., 1999). As Tyner and Collins (2017) note, although the law encourages representation, many attorneys opt out of certain collaborative processes.
- Parties served by problem-solving collaborations are often faced with more “onerous” requirements for completion than is often the case in problem-solving courts (Hora et al., 1999, p. 522).
- Attorneys worry that clients face higher burdens of proof that services are needed (Quinn, 2000).

Much like in the case of other areas of public management, the use of collaboration also complicates the notion of accountability in the juvenile court system. In many cases, the engagement of collaborative partners alters the role and nature of work performed by juvenile court judges. For example, in the case of family drug treatment court, a judge transitions from a “detached and objective arbiter” to a “parent-like” mentor to drug court participants while defense attorneys transition from client-centered advocates to a more patriarchal role (Clark, 2000, pp. 39 - 40). While all parties – the judge, defense and state attorneys, social welfare agents – positively

work toward the same goal of treatment or rehabilitation, the notions of responsibility and accountability are blurred.

Moreover, in the context of interagency teams or citizen review panels, where non-lawyers and non-judges make recommendations regarding findings that impact children and families, there lack mechanisms to hold individuals accountable. As one policy expert and interviewee explained,

I think everyone has to have an understanding of what juvenile court interventions are about . . . I see collaborations go wrong where we have programs that rely upon trained community volunteers. The plus or minus of those collaborations is that the volunteers come to the table with their own life experiences and perspectives which can be helpful in a same way that a jury is helpful in disposing of a matter right – it gives you a sense of people or state of peers, so to speak – but often we have in these particular systems the injection of middle class values and the kinds of experiences that we all have as children and families that are not fair standards to hold to other families to. So I think we start with meeting a very clear understanding of what is the role of the court's involvement with these families and I mean that in the sense of on the juvenile justice side, it's about rehabilitation and treatment whereas people from the community may have a strong appetite for accountability and punishment because that's what we see on tv and that's what they generally understand criminal justice interventions to be about, but juvenile justice is unique in that respect and juvenile court's purpose is unique in that respect. And likewise, on the child welfare side, we tend to default to the standard that we hold all families to that are reflective of the experiences we all had as children or the expectations that we set for ourselves as parents and again, that is

not necessarily competent for understanding how other people . . . walk through life and what really makes for a . . . functioning parent-child dynamic . . . (Policy Expert, Author Interview)

Second, there are concerns that collaboration may erode the legal protections afforded to parents and children in the juvenile justice system. While notions of due process are clearly preserved in the context of delinquency cases, juvenile court judges must balance the rights of children versus judges' perceptions of what they believe are in the best interest of children in the context of dependency cases (Ventrell, 1998). The consideration of legal rights may be more diminished in the context of problem-solving collaborations where third parties are involved.

Finally, collaborations within the juvenile court system are not always effective. Dickerson et al (2012), for example, examines the limitations of the use family drug treatment courts and diversion programs as a means of addressing substance abuse and mental health disorders among juveniles. The authors found that for problem-solving collaborations to be successful, both policy makers and system-level stakeholders need to be participants in the collaborative process.

Today, the use of problem-solving collaborations, even in juvenile courts, remains controversial, and the extent of such usage varies across jurisdictions and judges (Neitz, 2011; Rottman, 2000). While it is not uncommon for variations in judicial administration to exist across different types of courts and jurisdictions, it is possible that the inconsistent use of problem-solving collaborations, in terms of both frequency and structure, could create confusion and erode public trust (Neitz, 2011; see also Berman and Feinblatt, 2001; Green, et al, 2008).

Research Aims and Theoretical Expectations

As expected, juvenile court judges play an important role in accomplishing positive outcomes for families and children. Because the engagement of problem-solving collaborations leads judges to contend with conflicting practices and norms that arise out of traditional legal institutions, on the one hand, and the notions of therapeutic jurisprudence, on the other (Boldt and Singer 2006; Casey 2004), the use of collaboration within individual juvenile courts, as stated above, varies greatly. For example, while one juvenile court judge may choose to engage problem-solving collaborations, another may eschew collaborations, believing that they risk eroding judicial neutrality. Therefore, the purpose of this dissertation is to understand the normative decision-making factors that lead judges to engage collaborative partners.

Traditionally, most studies of collaboration focus on the organizational level; the few studies that focus on individual decisions to collaborate often point to the practical implications behind collaborating (O’Leary, 2018). When considering theory, some scholars rely on the theory of resource dependency to explain the ongoing use of the strategic tool (Bryson et al, 2006; Rogers and Whetten, 1982). According to resource dependency theory, individual organizations work to acquire the resources needed to accomplish organizational goals (Pfeffer and Salancik, 1978). In turn, collaboration is simply a resource-dependent activity – organizations collaborate to obtain resources to achieve outcomes that they would not otherwise achieve (Gazley and Brudney, 2007; Sowa, 2009). However, the resource dependency theory fails to adequately explain why some judges choose to collaborate while others do not. It also fails to explain the variation of use regarding different types of problem-solving collaborations.

In this dissertation, I argue that the decision to engage problem-solving collaborations is a function of judges’ exercise of discretion in their roles as both street-level bureaucrats and

managers toward the just accomplishment of organizational goals. Moreover, I contend that this exercise of discretion is framed by competing institutional logics that shape judicial work. My thesis consists of two key arguments primarily based on neo-institutional organizational theory and street-level bureaucracy theory. Neo-institutional organizational theory posits that organizations adopt structures that reflect shared norms or expectations regarding the appropriate way to do things. Street-level bureaucracy theory, on the other hand, posits that front-line actors improvise practical, often ad-hoc, solutions on a case-by-case, person-by-person basis. Although these theories appear to point in different directions, with neo-institutional theory predicting the adoption of common structures and street-level bureaucracy theory predicting ad-hoc improvisation, the two theories together help to explain the surprising embrace of collaborative processes by judges.

First, I argue that the juvenile court is a hybrid institution operating under the logic of law and the logic of collaboration.⁵ Indeed, the notion that collaboration is a logic is an understudied concept in the collaborative governance literature (*cf.*, Fan and Zietsma, 2017; Lawson, 2004) that extends far beyond the traditional conceptions of collaboration as (1) an institutional arrangement that allows shared governance; (2) a horizontal structure such as a collaborative network; or (3) a process for working together (O’Leary 2018). Second, I argue that judges must contend with these discrepant logics in their roles as both managers and street-level bureaucrats. Like most street-level bureaucrats, judges must contend with limited resources, worker identity and bias, and the use of discretion in assessing client worthiness on a day-to-day basis (Lipsky, 2010). However,

⁵ Once common definition of a hybrid institution is one that is characterized by multiple institutional logics (Battilana and Dorado, 2010; McAdam and Scott, 2005).

judges also operate under a dual role as managers, whereby they seek to control the judicial process as proactive jurists.

The use of neo-institutionalism as a key theoretical lens for this study is helpful because this theory draws attention to how institutional and field-level norms influence individual and organizational practices like those to be studied here (DiMaggio and Powell, 1983; Edelman and Suchman, 1997; Friedland and Alford, 1991; March and Olsen, 1995). According to March and Olsen (1995), institutions prescribe meaning to actions and define the constraints for appropriate behavior through rules, norms, and practices. While institutional analyses at the organizational level lend understanding as to why organizations existing within the same organizational field lean towards homogeneity (DiMaggio and Powell, 1983), it is important to understand how individuals operating within institutional spheres cope with competing practices and norms that may exist (Friedland and Alford, 1991). Indeed, in the context of juvenile courts, judges must contend with conflicting practices and norms that prescribe behavior arising from both the institution in which the judicial system sits as well as other social services institutions (see Chiarello, 2015).

Stated differently, judges must contend with seemingly conflicting institutional logics that stem from law and collaboration that impact how judges view justice and drive their decision to engage problem-solving collaborations. By definition, “institutional logics are sets of rules, symbols, and patterns of action that coalesce around distinguishable institutions and that serve to organize and provide meaning to behavior” (Chiarello, 2015, p. 93; Thornton and Ocasio, 1999). While it is well-understood that logics shape “decision-making processes in organizational fields,” “define goals and expectations, [and] legitimate activity” (McPherson and Sauder, 2013, p. 167; citing Friedland and Alford, 1991; Ocasio, 1997; Thornton, 2002; 2004), scholars more recently explore how individual actors respond to the presence of multiple logics (e.g., Besharov and Smith,

2014). While logics form boundaries of appropriateness regarding the actions and behaviors of actors within an organization and field, logics also provide a basis for decision-making and change (McPherson and Sauder, 2013).

Methodology

As previously stated, this research examines the dual role of juvenile court judges as street-level bureaucrats and managers, how these roles are influenced by divergent institutions, and whether these influences impact the decision to collaborate. My study design is inspired by the works of Maynard-Moody and Musheno (2000; 2003) who studied conceptions of justice amongst street-level bureaucrats as well as Chiarello (2015) who explored the nature of front-line work in the “shadow” of competing institutional logics.⁶

Like Chiarello (2015), I used a modified version of a systematic procedure known as the grounded theory method (Charmaz, 2000). Grounded theory promotes the use of inductive and iterative processes in which researchers may use data to discover theory (Dey, 1999; Emerson et al, 2011). As expected under a grounded theory approach, I acknowledge existing theories in the field, like neo-institutionalism and street-level bureaucracy theory, while engaging in a “reflexive or dialectical interplay between theory and data” (Emerson, et al, 2011, p. 198). In addition, by using this method, I have been able to simultaneously collect and code the data to abstract emerging ideas and common themes (Charmaz, 2000). The goal here was to reach a level of “theoretical saturation” in which no new ideas can emerge from the data (Charmaz, 2000, p. 3).

⁶ Initially, I intended to study the decision-making factors of judges in their roles as street-level bureaucrats, only. However, by using a grounded theory method, it quickly became evident that judges view themselves as operating in a dual role as front-line public servants and court managers.

In addition, I employed Reay and Jones (2016) method for identifying logics in an organizational field. They state there are three primary ways to study logics qualitatively: pattern inducing, pattern deducing, and pattern matching. These methods are discussed more in-depth in Chapter 2.

Data Collection

In order to understand why juvenile court judges choose to engage problem-solving collaborations, I focused my attention on juvenile court judges in the state of Georgia. Below, I discuss in detail my data collection methods, including the use of semi-structured interviews and document analysis.

Semi-Structured Interviews

As a part of my data collection, I conducted 29 semi-structured interviews in total.⁷ Twenty-seven of those interviews were with former and current juvenile court judges and two interviews were conducted with professional child welfare/juvenile court experts who work closely with members of the juvenile court system. The interview questions asked, in relationship to the judges, were inspired by the study design created by Maynard-Moody and Musheno (2003, p. 180; p. 187). I first asked questions regarding the judges' legal experiences and their perceptions of their work as juvenile court judges. I asked about their relationships with court staff, if present, as well as other members of the courtroom workgroup including, but not limited to, attorneys, social workers, and court appointed special advocates (CASA) or other citizen volunteers. Next, I asked to explain the typical processes of juvenile court cases, particularly in the context of dependency cases as well as their perceptions of how they would describe the typical parties before the court.

⁷ All interviews, with the exception of one, were conducted as phone interviews.

Several follow up questions were asked regarding what they believe are the most important goals of the juvenile court and how those goals may be accomplished using programming, collaboration, and/or other relevant means. Questions regarding judges' perceptions of justice were asked to ascertain judges' understanding of the purpose of the juvenile court and the court's proper role in society. Finally, if judges mentioned specific collaboration types, I asked questions about the use of those collaborations. Semi-structured questions are useful because of their open-ended nature. By using these questions, judges could tell stories and go into more detail about their experiences and views.

My primary aim with this method was twofold. First, I wanted to learn how judges conceive of their roles in juvenile court systems and the mechanisms they use to aid in their work. Second, I sought to learn from them what are the goals and objectives in the court. By framing my questions as such, I also learned why and how juvenile court judges use and engage in problem-solving collaborations.

While the questions were structured so that interviews could last only fifteen to twenty minutes, many of the interviews lasted for forty-five minutes to an hour. Gaining access to juvenile court judges often proved difficult. While I sent over 100 letters to juvenile court judges in one state, I found that judges as a group were distinctly hesitant to open themselves up for interviews. Many juvenile court judges contacted work part-time without an administrative staff. For those judges with judicial assistants, such assistants often acted as gatekeepers, making it difficult to have direct contact with judges. Nonetheless, with persistence and multiple contacts, I was able to gain the cooperation of a substantial number of judges.

Furthermore, I focused my attention on the juvenile court system in the state of Georgia for two primary reasons. First, I am a former practicing attorney in the state of Georgia where I

began my legal career as a court-appointed attorney in the juvenile court system. Although I practiced before significant changes were made to the juvenile justice code in 2013, my familiarity and understanding of the juvenile court system in that state proved invaluable when developing my research questions and for understanding the context in which juvenile court judges choose to engage problem-solving collaborations as well as the potential pitfalls associated with collaboration. As implied by Reay and Jones (2016), “personal experiences” may be useful in conjunction with data collection methods such as interviews and document analysis in order to support findings.⁸

Second, I chose the state of Georgia because the use of problem-solving collaborations seems widespread across the state, despite the vast discrepancies of availability and access to resources and opportunities for partnerships due to size and structure of different juvenile courts across the state. For example, the Georgia Council of Juvenile Court Judges notes on their website that in 2017, there were over 200 citizen panels in 60 counties in the state (“What programs,” 2019, p. 1). In 2014, there were 111 problem-solving courts in the state (2014 Accountability Courts Registration Open, 2014, p. 55). As one judge explained:

. . . in Georgia we have a unique court system. We have 159 counties . . . Of those counties, some of those counties are deep in the courts – what that means is that they are dependent for their support staff on the state department of juvenile justice. They provide – DJJ provides the probation staff and the juvenile intake staff. In my court, and in about 20 other courts in the state of Georgia, we are independent courts. We have our own internal clerk of court, we have our own internal

⁸ This study, however, was not an ethnographic study, and participant observations were not a part of my data collection.

probation staff, we have our own internal administrative staff, and we have our own intake officers . . . so we are an insular court and we really feel like we are a family . . . (Juvenile Court Judge, Author Interview)

Out of the 159 counties, most counties only have one to three juvenile court judges (Juvenile Court Judges by County, 2019). Nevertheless, the vast majority of juvenile court judges interviewed engage in some sort of problem-solving collaboration (see Table 1.1: *Georgia Juvenile Court Judges' Use and Views on Problem-Solving Collaboration*), particularly citizen review panels, which one judge likened to “mini juries,” and problem-solving courts such as family drug treatment courts (Juvenile Court Judge, Author Interview). More importantly, these judges expressed overwhelmingly favorable views of problem-solving collaborations.

Table 1.1: Georgia Juvenile Court Judges' Use and Views on Problem-Solving Collaborations

	Judge uses problem-solving collaborations	Judge does not use problem-solving collaborations	
View of problem-solving collaborations: Favorable	16	2	18
View of (at least one) problem-solving collaboration: Unfavorable	8	1	9
	24	3	

In contrast, where judges collaborate but have a largely unfavorable view of collaborations, such collaborative efforts were either put in place by a predecessor, or they view such collaborations as mandatory under the law or due to their position as an associate or part-time judge.

Document Analysis

In addition to conducting semi-structured interviews, I analyzed over 1700 pages of documents and state court websites to better understand (1) the development of and antecedents for problem-solving collaborations and (2) how extensively problem-solving collaborations are used across the country and in the state of Georgia. Some of these documents included the Georgia juvenile court code provisions, training manuals, and policy analysis reports. These documents speak to how collaborative arrangements in juvenile courts are formally structured, how these formal structures vary, and how they are legally justified. For a representative list of documents reviewed, please see Appendix B.

Data Analysis

As is common when using a grounded theory method, I coded my data into meaningful categories. While conducting interviews, I wrote frequent memos to determine whether any themes were emerging from the interviews. I then transcribed my interviews, and I initially coded my interviews based on the questions I asked: background information, degree of collaboration use, and concepts of justice (whether judges believe procedures or outcomes are most important). Once it became apparent that juvenile court judges operate under dual roles, I then recoded the interviews to reflect how judges describe themselves as both like street-level bureaucrats and as managers. Finally, I identified and categorized the vocabulary employed by judges based on whether such language is commonly associated with patterns of practice common in collaborations or common in traditional legal systems. Throughout this process, I looked for similarities and discrepancies amongst responses.

In turn, the interviews were used to shape the collection of documents for this study, while the collection of documents helped me transform my findings into a robust narrative surrounding the use of problem-solving collaborations. I will discuss my process of document analysis more in Chapter 2. The documents collected and reviewed in this dissertation were primarily used to empirically establish that a logic of collaboration exists in the juvenile court system.

Chapter Overview

The remainder of this dissertation explores the analytical findings. Chapter 2 explores the role of collaboration as a logic in action. While collaboration is typically studied as a process or mechanism through which stakeholders work together to achieve a common goal, I argue that collaboration also serves as a behavior norm, and as the foundation of a pattern of practices that give organizational actions legitimacy and meaning.

Chapter 3 provides an overview of juvenile court judges as street-level bureaucrats and how they cope to provide meaningful services to families and children considering discrepant logics. There I assert that juvenile court judges choose to collaborate in order to provide meaningful outcomes for vulnerable children and their families.

In comparison, Chapter 4 looks at the identity work performed by judges in their roles as managers and how this identity work leads them to accept or reject competing logics. I suggest that judges as managers invoke the logic of collaboration in order to manage the judicial process.

Finally, Chapter 5 provides a concluding analysis. I examine and explain that the decision to collaborate by juvenile court judges is a direct product of how judges navigate their dual roles as street-level bureaucrats and as managers.

Chapter 2: Collaboration as a Logic in Action

. . . Collaboration is this principle that has been overlaid onto both the child serving systems and the court . . . and it's one of those things that everyone says but not everyone does with meaning . . . (Juvenile Court Judge, Author Interview)

In this chapter, I explore the possibility that collaboration may serve as a field-level logic and therefore, has become institutionalized to provide actors, such as juvenile court judges, within an organization prescribed patterns of behavior that they may or may not choose to follow. Unfortunately, scholars in the fields of public management and socio-legal scholarship fail to consistently and adequately address the role of collaboration as a logic (*cf.*, Fan and Zietsma, 2017; Lawson, 2004). While some studies address the role of logics in cross-sector partnerships and collaborations, exploring how participants of collaborations adopt, reject, or blend competing logics in those contexts (McPherson and Sauder, 2013; Saz-Carranza and Longo, 2012; Vurro et al, 2010; Bryson et al, 2006), other scholars explore the role of collaboration – as a form of logic “blending” - as a solution to competing institutional logics (Greenwood et al, 2017; Reay and Hinings, 2009). For example, Reay and Hinings (2009) explore how physicians and government administrators working in the health administration field learned to collaborate with each other despite being embedded in conflicting and contradictory “home” logics and in the absence of a dominant logic representing the healthcare field. They found that actors may “maintain[] their separate identities in pragmatic collaborations that allow [] them to accomplish work and meet professional responsibilities” (p. 647). But these otherwise excellent studies do not always consider the possibility that collaboration itself has become a field-level institutional logic that shapes how actors view their roles and carry out their responsibilities.

In this dissertation, I argue that collaboration exists as a “taken-for-granted prescription” within the juvenile justice system, along with the assumed “home” logic of law. I also argue that in the context of juvenile courts, the concept of institutional logics provides a framework for understanding why juvenile courts have undergone a significant organizational change during the last few decades and why there are variations in the actions of individual actors as they “represent the set of formal and informal rules of actions, interactions, and interpretations that guide, constrain,” and shape their behaviors (Vurro et al., 2010, p. 43). More importantly, I will argue in subsequent chapters that juvenile court judges, in their roles as street-level bureaucrats and as managers, innovate by blending the logics of law and collaboration in order to provide pragmatic responses to those under the court’s jurisdiction and to further prescriptions of their own professional identities (Binder, 2007).

Defining and Understanding Institutional Logics

The concept of institutional logics originated with Friedland and Alford (1991) who defined institutional logics as “both a set of material practices and symbolic constructions” (p. 248). In many ways, the institutional logic framework both builds on and critiques traditional neo-institutional theories such as DiMaggio and Powell’s (1983) work on isomorphism by “connect[ing] the viewpoints and actions of actors to their organizational and professional cultures” (Albrecht, 2018, p. 286). Indeed, traditional institutional theories suggest that organizational decisions are made based on legitimacy considerations (Meyer and Rowan, 1977).

By understanding the role of logics in organizations, researchers can understand how organizations are shaped and influenced by “unique organizing principles, practices, and symbols” in their day to day workings (Thornton, et al, 2012, p. 2). Indeed, institutional logics provide a “template for action” within organizational fields (Bastedo, 2009, p. 211) and help us better

understand organizational factors such as “decision-making, sensemaking, and collective mobilization” (Albrecht, 2018, p. 286).

When considering the role of institutional logics in any public agency, it is important to note that logics exist at the societal, field, and organizational levels (Vurro et al, 2010). Friedland and Alford (1991), for example, established the idea of logics at the societal or inter-institutional level. Specifically, they argued that “it is not possible to understand individual or organizational behavior without locating it in a societal context” whereby institutions (both defined as “supraorganizational patterns of activity” and “symbolic systems”) exist so that “humans [can] conduct their material life in time and space, and . . . categorize that activity and infuse it with meaning” (pp. 232, 243).

In their seminal work, they identified five core logics found in modern Western society – the “capitalist market, bureaucratic state, democracy, nuclear family, and Christian religion” – that dictate the appropriateness and legitimacy of individual and organizational behavior (Friedland and Alford, 1991, p. 232). Subsequently, Thornton and Ocasio (1999) added professions as a sixth logic type, and most recently, scholars have explored the idea of community – an assemblage of shared beliefs based on location and commonalities - as a seventh logic (Thornton et al, 2012; Greenwood et al, 2010).

At the field and organizational levels, scholars identify a number of logics that exist in very different organizational fields, demonstrating how logics are actually employed on a day to day basis (McPherson and Sauder, 2013). McPherson and Sauder (2013), for example, found that within a drug treatment court, there exists a logic of rehabilitation, a logic of punishment, a logic of efficiency, and a logic of accountability.

Similarly, Lee and Lounsbury (2015) examined two competing logics – politically conservative logics and pro-environmental logics – in the context of toxic pollution management to determine how these logics impact environmental practices. Their study demonstrates how micro-level logics such as organizational/field level logics can have a “filtering” effect on how actors interpret more macro-level logics or societal/institutional level logics.

Lastly, Purdy and Gray (2009) provide a final illustrative example. They explored the role of field-level logics in emerging fields such the development of state offices of dispute resolution. There, they explained that in the context of alternative dispute resolution, there are two guiding logics – a judicial logic and a social services logic. While the judicial logics is framed “in terms of disputes, rights, and justice,” the social services logic is “rooted in notions of harmony and satisfaction of needs” (p. 360).

Multiple Logics in the Juvenile Court System

It is common for an organization – or an institutional field – to be characterized by more than one logic. While I acknowledge that there exist other logics in the juvenile court system such as logics of rehabilitation, social work, and accountability, among others (e.g., McPherson and Sauder, 2013), for the purpose of this dissertation, I focus on the logic of law versus the logic of collaboration as primary drivers of behavior in juvenile courts.

The logic of law is a dominant frame in any courtroom setting. As expected in legal-institutional environments, the judicial system has always been rooted in a logic of law, defined by legal values such as due process and procedural justice; legal mechanisms grounded in rules of evidence, case law, and statutory provisions; and legal strategies characterized by advocacy and representation (Benish and Maron, 2016; McPherson and Sauder, 2013; Purdy and Gray, 2009). Like many other traditional public administration features, the logic of law is embedded in the

state logic and is based on legal-bureaucratic principles (Meyer et al, 2014). Indeed, as found in each of the studies exploring field-level logics, scholars note that such logics are typically “embedded in larger societal logics that extend over multiple fields and institutions” (Purdy and Gray, 2009, p. 360). More importantly, such field-level logics can become “primary-order” logics whereby actors prioritize them over the broader institutional-level logics that we typically view as governing behavior (Lee and Lounsbury, 2015).

In the setting of the juvenile court system, the logic of law may be framed in terms of (1) values that align with, confer, and legitimate an individual’s status as a legal citizen and member of the polis; (2) values that ensure justice in public administration; and (3) values that relate to “the tradition of participatory democracy” (Jorgensen and Bozeman, 2007, p. 357). Here, the focus is on “rules, responsibilities, duties, and rights” and the judge is viewed as the authority (Meyer et al, 2014, p. 866).

Comparatively, the logic of collaboration, characterized by partnership, participation, and teamwork, also exists in the juvenile court. To a small degree, this logic is embedded in a market logic and advances principle of managerialism as seen in contemporary movements such as the New Public Management movement. The logic of collaboration focuses on results and outcomes, notions of shared governance and trust, heterarchical notions of power, effectiveness, and innovation (Fan and Zietsma, 2017; Meyer et al, 2014).

Where multiple logics exist within an organization or field for any given amount of time, as I argue is the case in juvenile courts, scholars vehemently disagree about the potential consequences that may occur due to inherent tensions that exist amongst these different logics (Besharov and Smith, 2014). Battilana and Dorado (2010), for example, assert that the existence of more than one logic within an organization is likely to create major challenges and conflicts for

those working in organizations because they have different views and perspectives regarding appropriate behavior. They suggest that newly formed hybrid organizations, especially, may only survive in the face of multiple logics if such organizations develop a clear “organizational identity” that reflects and supports competing logics. Similarly, Pache and Santos (2013) argue that organizations that contain elements of incompatible, multiple logics are ultimately unstable organizations and at risk for failure. They agree that such environments are ripe for internal conflicts and discord.

In contrast, much like I argue in this dissertation, Binder (2007) asserts that organizational actors are not single-minded individuals and may use creativity to decide how they respond to the guidance and meanings prescribed by multiple logics (see also McPherson and Sauder 2013). There, the author assesses that “no one institutional logic is ‘matter of fact’ for everyone in [an] organization; rather, several different logics are common-sensical for different organizational” actors (p. 568). Similarly, I contend in chapters 3 and 4 that judges use their positions to alternately and simultaneously employ the logic of law and the logic of collaboration.

Capturing the Logic of Collaboration in Juvenile Courts

As is the case with most hybrid institutions, juvenile court judges must contend with different institutional logics that impact their day-to-day decisions. The purpose of this final section of this chapter is to understand and empirically document the presence of a logic of collaboration within juvenile courts across the United States. I will then discuss in subsequent chapters how judges contend with the presence of a logic of law and a logic of collaboration. Much like the rest of the study, I will use the state of Georgia as an illustrative example in this chapter to show that a logic of collaboration exists in the juvenile court system.

As stated in Chapter 1, my method for measuring and interpreting the presence of a logic of collaboration is drawn from a study by Reay and Jones (2016). They succinctly illustrate how one may study field-level and organizational-level logics in observable “patterns.” Using their terminology, the term pattern is used to “describe a set of symbols and beliefs expressed in discourse (verbal, visual, or written), norms seen in behaviors and activities, and material practices that are recognizable and associated with an institutional logic or logics” (p. 442). They argue that there are three primary ways to study patterns and the associated logic: pattern inducing, pattern deducing, and pattern matching.

The pattern-inducing method is commonly used in studies like this one that employ grounded theory. Under this approach, researchers should refrain from relying on quantitative counts of data as evidence of patterns. Rather, researchers should privilege the collected data, quoting the text from interviews, notes, documents, etc. (Reay and Jones 2016). Pattern deducing, in contrast, involves “counting occurrences and co-occurrences to reveal patterns” (p. 442). The authors argue that researchers may focus on primary texts, qualitative data, and other analytical methods to capture logics. Finally, pattern matching involves describing “institutional logics based on the identification and comparison of actual data to ‘ideal types’” (p. 446). Thornton et al (2005) imagine a set of key characteristics central to each of the ideal type of societal-level logics. Some of these key dimensions included “sources of identity,” “sources of legitimacy,” “basis of norms,” “basis of strategy,” and associated actors (see McPherson and Sauder, 2013). By using an ideal type approach, the research must clearly establish the key dimensions of each logic in order to make comparisons (Reay and Jones, 2016).

Nevertheless, Reay and Jones (2016) clarify that the three methods explored are not mutually exclusive and some scholars use a combination of the three in a single study and

some apply the methods as if they are interchangeable. In this study, I use a combination of all three to both capture the presence of a logic of collaboration across the United States and in Georgia. In addition, I explore the presence of patterns to determine why judges adopt a logic of collaboration in lieu of or in combination with a logic of law.

Identifying and Comparing to an Ideal Type

One way to determine whether a logic of collaboration exists in the juvenile court is to compare the “ideal type” of each logic to actual data (Reay and Jones, 2016). Thornton et al (2012) created the “ideal type” framework to provide “tool(s) to interpret cultural meaning” and “help the researcher avoid getting bogged down in merely reproducing the often-confusing empirical situation” (Thornton et al, 2012, p. 52).

Here, I use research on the judicial system and cross-system collaborations to identify the ideal types of law and collaboration logics (Table 2.1: *Ideal Types of Logics in the Juvenile Court System*) (McPherson and Sauder, 2013; Purdy and Gray, 2009; Fan and Zietsma, 2017; Lawson, 2004). For example, research suggests that under a logic of law, a court system is perceived as legitimate if it adheres to the standards of procedural justice and upholds the rights and due process protections of individuals (McPherson and Sauder, 2013; Wales, et al, 2010; Purdy and Gray, 2009; Gibson, 1991). In comparison, under a logic of collaboration, the focus on legitimacy relates to how internal and external stakeholders view and accept collaborations as bona fide, separate and distinct entities (Bryson et al, 2006). In Table 2.1, the y-axis represents key dimensions of each logic, and I use “elemental categories” similar to the one described by McPherson and Sauder (2013, Table 1) in their study of logics in drug treatment courts to provide the key dimensions of each logic (see also Thornton et al., 2005). In comparison, the x-axis represents the logic of law

and the logic of collaboration where I discuss the characteristics of each dimension under each logic.

Table 2.1: Ideal Types of Logics in the Juvenile Court System

	Logic of Law	Logic of Collaboration
Sources of legitimacy	Court procedures are perceived as fair and applied equally. Due process protections and other rights are upheld. Ethical standards are determined by the profession and decisions are upheld by the courts of appeals.	Recognition from internal and external stakeholders; trust and shared resources amongst participants.
Goals of organization	To ensure “best interest of child.”	To solve complex problems that could not otherwise be solved in traditional judicial processes.
Basis of accomplishing goals	Compliance with the law and rules; respect for authority	Providing innovative services to families and children; community involvement; establishment of team work

Key actions	Understanding procedures, rules of evidence	Facilitation of partnerships, recruitment, funding, education
Key actors	Members of courtroom workgroup	Members of courtroom workgroup; community; professional treatment providers; experts; citizens

As demonstrated in Appendix A, juvenile courts across the United States engage problem-solving collaborations. In addition, many of these courts employ language that invokes both a logic of law and a logic of collaboration. For example, the Florida Family Court uses funds provided through a Court Improvement Program grant to both assist “judges, magistrates, and court staff with meeting federal and state mandates for dependency cases,” which invokes a logic of law, while also “promot[ing] collaboration between the courts and the Department of Children and Families” and “among other child welfare system partners” (“Dependency,” 2018, n.p.). Other courts have launched initiatives to help “develop common sense models to better serve children and families in [the] courts” (“About the Family Court Project,” 2019). For example, the vision for the New York family court is to create “a child welfare system that is collaborative, acts urgently to achieve timely, stable permanency, is trauma informed and data driven” (“Child Welfare Court Improvement Project,” 2009, n.p.). While timely procedures is a notion often associated with due process and a logic of law, a judicial process that is “trauma informed” speaks to innovative services and the resolution of complex problems.

Deducing and Inducing a Logic of Collaboration

It is also clear that logics of law and collaboration exist in the Georgia juvenile court system, and both have existed for some time. As a result, both logics are formally codified in the state's juvenile code. Indeed, in 2013, the state of Georgia underwent a significant revision to its juvenile code for the first time in forty years (Belton et al, 2013). At the time the juvenile code was reformed, the former governor created a Child Welfare Reform Council. He expressed a goal that all children growing up in the state should "grow up in a loving home" and that it was the responsibility of the state "to make sure they [had] that opportunity" (Minutes of Governor Deal's Inaugural Child Welfare Reform Council Meeting, May 1, 2014).

Regarding dependency cases, the new juvenile code advanced four main goals:

- (1) To assist and protect children whose physical and mental health and welfare is substantially at risk of harm from abuse, neglect or exploitation and who may be further threatened by the conduct of others by providing for the resolution of dependency proceedings in juvenile court;
- (2) To ensure that dependency proceedings are conducted expeditiously to avoid delays in permanency plans for children;
- (3) To provide the greatest protection as promptly as possible for children; and
- (4) To ensure that the health, safety and best interests of a child be the paramount concern in all dependency proceedings. (O.C.G.A § 15-11-100 (2013))

Similarly, regarding delinquency cases, the law states:

- (1) Consistent with the protection of the public interest, to hold a child committing delinquent acts accountable for his or her actions, taking into account

such child's age, education, mental and physical condition, background, and all other relevant factors, but to mitigate the adult consequences of criminal behavior;

(2) To afford due process of law to each child who is accused of having committed a delinquent act;

(3) To provide for a child committing delinquent acts with supervision, care, and rehabilitation which ensure balanced attention to the protection of the community, the imposition of accountability, and the development of competencies to enable such child to become a responsible and productive member of the community;

(4) To promote a continuum of services for a child and his or her family from prevention of delinquent acts to aftercare, considering, whenever possible, prevention, diversion, and early intervention, including an emphasis on community based alternatives;

(5) To provide effective sanctions to acts of juvenile delinquency; and

(6) To strengthen families and to successfully reintegrate delinquent children into homes and communities. (O.C.G.A § 15-11-470 (2013))

With a significant focus on outcomes, the 248-page legislation reflected the norms and vocabulary that can only be described as being associated with a logic of collaboration and a logic of law (House Bill 242, 2013).⁹ Although the new law continued to adopt norms and patterns of behavior expected in a legal system (e.g., the new law, in comparison to the old, requires the court to appoint a child a guardian ad litem or a court appointed special advocate throughout the dependency process instead of just during the termination-of-parental-rights stage), it also codified

⁹ Within the text of the original bill, the word coordinate is mentioned 8 times; the word cooperate is mentioned 13 times; and the words partnership and collaboration are mentioned once each (House Bill 242, 2013).

the need for partnership and mirrored the now-accepted-norm that collaboration is an imperative in the juvenile justice system (Bonnie et al, 2013). This call for partnership and collaboration is most evident in the provisions of the law that referred to the newly instated “children in need of services” (CHINS) process and in the provisions referring to citizen review panels, a term that is mentioned at least nine times in the original bill (House Bill 242, 2013).

According to one judge interviewed, the CHINS process, aimed at helping juveniles who have been criminally accused, “provides for greater resources to families and earlier implementation of resources prior to finding a ruling of delinquency” by diverting “status offenses . . . from the delinquency realm to the ‘children in need of services’ realm” (Juvenile Court Judge, Author Interview). The goals of the CHINS process are outlined in the law as follows:

- (1) To acknowledge that certain behaviors or conditions occurring within a family or school environment indicate that a child is experiencing serious difficulties and is in need of services and corrective action in order to protect such child from the irreversibility of certain choices and to protect the integrity of such child’s family;
- (2) To make family members aware of their contributions to their family’s problems and to encourage family members to accept responsibility to participate in any program of care ordered by the court;
- (3) To provide a child with a program of treatment, care, guidance, counseling, structure, supervision, and rehabilitation that he or she needs to assist him or her in becoming a responsible and productive member of society; and

- (4) To ensure *the cooperation and coordination of all agencies* having responsibility to supply services to any member of a family referred court.
(O.C.G.A. § 15-11-380 (2013)) (emphasis added)

Under the CHINS process, juvenile courts in the state of Georgia are authorized to leverage community resources to meet the needs of children (Widner, n.d.). These community resources sometimes include problem-solving collaboration such as citizen or volunteer review boards (Juvenile Court Judge, Author Interview).

Similarly, although such collaborations existed before, the juvenile code revision in Georgia formalized the use of judicial review through citizen review panels in dependency proceedings (O.C.G.A § 15-11-217 (2013)). Citizen review panels consist of a cross-section of community volunteers who act as agents of the court. The revised juvenile code, however, also provides these community partners with authority under the law to conduct reviews in lieu of judicial hearings (Cauthen, 2014). As one juvenile court judge reflected, citizen review panels often act as “mini-juries” (Juvenile Court Judge, Author Interview).

Nevertheless, despite these changes, juvenile courts have long engaged creative solutions to meet the needs of vulnerable children. As exclaimed by one judge interviewed, “the juvenile court was *the* first problem-solving court” (Juvenile Court Judge, Author Interview) (emphasis added). Indeed, most of the data analyzed in this study suggests that a logic of collaboration emerged well before the state of Georgia revised its juvenile code in 2013.

When studying the juvenile court system across the United States, it is clear that it has a complicated history as it relates to the protection of children. While the 1980s were characterized by a “harsh attitude” toward juveniles, particularly as it relates to juvenile crime, a shift occurred

beginning in the 1990s in regard to public opinion and amongst policymakers. (Bonnie et al, 2013). As explained by one interviewee and policy expert,

. . .the narrative of the juvenile court is one that started . . . as a problem-solving or clinic or therapeutic court . . . and the idea here was that you did have a judge who was acting very paternalistically in his interactions with a child . . . So if something was going on in the home, the child was misbehaving let's say . . . the judge was there to be this kind of father-figure and lecture the child and set them on the right path and there were certainly services and placement options . . .we didn't have all these formalities of an adversarial system or really much consideration for constitutional due process rights certainly of the child or the parents, for that matter . . .it had a purpose that was clinical and therapeutic and if you will, collaborative, though that wasn't the term that was used. . .it did evolve to a place where we overlaid this adversarial system and the formalities of procedures and rights, but I think in that broad phase of growth and evolution of the court, collaboration was not a focus. The focus was around making sure that this relaxed institution as it was originally created now respected the rights of the parties in front of it and had proper procedures for state intervention in families. So collaboration would have been an antithesis of that. So then it's moved – I would say in now a more recent era – into again shifting back a little bit to recapturing the value of being less adversarial, more collaborative, more problem-solving because of the nature of not only the complexity of family dynamics and individual nature of ecology, but also the complexity of the various public child-serving agencies and the apparatus of service provision, etcetera, that surrounds them. So,

the need to become more collaborative – it just became necessary because the court can't possibly know everything that it needs to know to make the decisions it needs to make without input from all of those entities. (Policy Expert, Author Interview)

Another explained,

I will say juvenile courts are more collaborative than any other trial court in the state because it does lend itself more to that . . . when you are talking about adults, there is not a lot of collaboration between adult courts and the department of corrections and stuff like that . . . whether its domestic relations, real property disputes . . . there's no collaboration. So juvenile courts do collaborate more . . . yes, there is more collaboration than ever before. When I first started . . . there was always this thought that the court had one role, the Department of Juvenile Justice had their role, DFCS had their role . . . and there was sort of everyone was in a silo. Over the years, and I think the literature will show this, I don't know, . . . it has shown the outcomes are better if there is collaboration between the courts and the different agencies, even going into the governor's office, the legislature, all because well what we're trying to do is make it better – best interest of the children . . . Everything we do is to provide better outcomes for children. (Policy Expert, Author Interview)

Conclusion

As demonstrated by this chapter, a logic of law and a logic of collaboration exist in the juvenile court system. Both logics drive patterns of behavior and provide sources of legitimacy for judges and members of the courtroom workgroup. However, tensions exist between the two competing logics and they sometimes prescribe actions that seem incompatible. The purpose of

the remainder of this dissertation is to determine how juvenile court judges contend with these two logics, and whether judges adopt, reject, or blend the logic of collaboration with the logic of law.

Chapter 3: Juvenile Court Judges as Street-Level Bureaucrats

INTERVIEWER: *[In the case of citizen review panels, where attorneys do not always attend,] how do you make sure justice is still met?*

JUDGE: *I think that a lot of people . . . I think you'll get different answers from different people. But here's what I think. All of those collaborative efforts, there's a mechanism by which attorneys can disagree on behalf of their clients . . . and the goal of the collaboration is to put it all on the table to figure out what do we need to do, where are we and how can we do things differently . . . so by having all of those mechanisms in place . . . where attorneys can appeal . . . that ensures integrity of legal process. (Juvenile Court Judge, Author Interview)*

This chapter, as well as Chapter 4, addresses how juvenile court judges cope with the sometimes discrepant demands of the logic of law versus the logic of collaboration. As discussed in Chapter 2, logics provide strategic tools that organizational actors may use to justify certain behaviors or to promote change (McPherson and Sauder 2013, p. 167). In the case of juvenile court judges, the logic of collaboration provides justification for relaxing principles normally associated with a logic of law, such as representation.

In this chapter, I will first argue that most juvenile court judges operate much like street-level bureaucrats and use their discretion to invoke the logic of collaboration when they view it as central to accomplishing what they perceive as the core policy goals of the court. Second, I will assert that juvenile court judges, while often using vocabulary associated with the ideal type logic of law (see Table 2.1: *Ideal Types of Logics in the Juvenile Court System*), “hijack” the logic of

collaboration in order to provide better outcomes for families and children they deem worthy (McPherson and Sauder, 2013).

In the context of street-level bureaucracy theory, a juvenile court judge's discretion is best described as a function of his/her ability to make consequential decisions on behalf of children and their families through his or her astute application of the laws and guiding principles/norms (see Chiarello 2015). As Chiarello (2015) suggests, if a front-line worker acts in contravention of what seems like traditional legal principles such as representation - much like the judge quoted above – then it must be “because they are oriented toward another logic” (p. 93). Stated differently, even when we might expect a juvenile court judge to draw on a logic of law, they are able to choose the logic of collaboration in their roles as street-level bureaucrats in order to offer pragmatic solutions to best help the children and families under the courts' jurisdiction (McPherson and Sauder, 2013).

According to well-known and respected scholarship, street-level bureaucrats are defined as front-line public service employees who exercise discretion on a day-to-day basis through the interactions they have with the citizen-clients they serve (Lipsky, 2010). Although judges are rarely the focus of street-level bureaucracy literature (*cf.* Biland and Steinmetz, 2017), juvenile court judges, as trial-level judges, exhibit many of the common characteristics of street-level bureaucrats (citing Mather, 1991; Prottas 1978; Weatherley and Lipsky, 1977; *cf.* Maynard-Moody et al, 1990). In addition, street-level bureaucracy theory presents a useful “confluence at the intersection of public administration, social welfare, criminal justice, socio-legal studies and public policy” (Maynard-Moody and Portillo, 2010, p. 263).

More importantly, judicial work in the juvenile justice/family law context demands scholarly attention because judges working in these areas perform in a unique organizational environment where they exercise significant autonomy in their decision-making, yet their positions

and rulings are often subject to appointments and judicial appeals, respectively, and their actions are often constrained by legislative, professional, and hierarchical norms and expectations. Juvenile court judges hear a myriad of cases ranging from neglect to traffic cases and from delinquency to truancy cases, and they use their “formal authority and expressions of agency” to determine how to dispense justice in the cases before them (Chiarello, 2015, p. 92). This notion of discretion is central to our understanding of the role of juvenile court judges and their street-level bureaucracy work. Their daily frontline interactions with families and children who are under the courts’ jurisdiction allow judges to make decisions regarding sanctions or benefits that are based on both citizen identities including, but not limited to, ethnicity, religion, gender, sexual orientation, as well as how judges perceive citizen “worth” (Chiarello, 2015; Maynard-Moody and Musheno 2003). Despite working in highly pressurized environments, juvenile court judges often make pragmatic decisions that ultimately align with formal laws and procedures as well as cultural and social norms (Chiarello, 2015; Meyers and Vorsanger, 2007; Sandfort, 2000). For some judges, these practical decisions involve the use of problem-solving collaborations.

As previously discussed, the application of neo-institutionalism in the context of street-level bureaucracy helps explain which norms most influence the discretionary decision-making process of juvenile court judges. According to Garrow and Grusky (2012, p. 105), “discretionary practices at the frontlines of policy implementation are embedded in a broad meaning system, reflected by the dominant field level logic[s], that defines the ‘interests, identities, values, and assumptions of individuals and organizations’” (citing Thornton and Ocasio, 2008, p. 103).

Judges as Street-Level Bureaucrats

Viewing judges as street-level bureaucrats has received short shrift in street-level bureaucracy research (*cf.* Biland and Steinmetz, 2017; Lipsky, 2010). Although briefly mentioned

by Lipsky (2010) as amongst the list of front-line public service providers who fall into the category, the complex organizational structure of the judicial system - where judges may work at the trial or appellate levels as magistrates or as administrative, state or federal judges across different jurisdictions - makes it difficult apply a blanket categorization to all judges. In addition, as explained by Biland and Steinmetz (2017), most judges operate under a higher level of autonomy in comparison to other street-level counterparts. Moreover, they are “regulated more as a profession . . . than in a hierarchic way” and “self-regulation [often] takes precedence over external and vertical authority” (p. 300).

In regard to the juvenile court judges interviewed for the purpose of this study, most of these professionals describe working in environments akin to those commonly associated with street-level bureaucrats. Like similarly situated trial judges, juvenile court judges often participate in frontline encounters with “non-voluntary” citizens daily, particularly where services such as mediation are not used on a regular, pre-trial basis. Whether judges may be considered street-level bureaucrats often hinges on a judge’s ability to circumvent or avoid front-line encounters altogether as a result of the inherent legal structure or due to the ability of a judge to delegate tasks to other professionals (Biland and Steinmetz, 2017). In the case of juvenile court judges, particularly in the context of dependency cases where child custody is being requested by the state, most judges participate in mandatory interactions with families and children every day.

In the following interaction I had with a judge, the complexity of determining whether a judge is a street-level bureaucrat is demonstrated. On the one hand, the judge details the occurrence of front-line encounters. On the other hand, the judge discusses measures taken to sometimes avert those front-line encounters:

Most of those cases come in where I've gotten a call and a child has been removed because of a parent emergency – some bad things happened. They come in and we have a hearing within 72 hours to determine if there is probable cause to determine if a child is dependent. If so, we have a hearing within 10 days . . . the law is very clear about the date or the timeline in which we have hearings and we try very hard to stick with that. We also have citizen review panels. If courts do not do that, they have judicial reviews instead . . . Within a year's time, a decision is being made as to whether – at least in our court and its consistent with the law – whether we move towards something else or termination . . . Say a child paints on someone's property and its criminal trespassing. A complaint would be filed, and it would go to the department of juvenile justice intake process. They would bring it to court. Lots of courts have arraignments. We [do] not . . . we just would set it down for a trial. We would appoint an attorney for that young person . . . If possible, we would try to divert it out of the system to begin with – we'd send it to mediation, the prosecutor might try to do something different. In court, we might hold it in abeyance . . . we might do probation . . . (Juvenile Court Judge, Author Interview)

It is also important to note that depending on the size and resources of the county or jurisdiction where a juvenile court judge works, the ability to delegate frontline encounters to other professionals such as mediators is severely limited. In a state such as Georgia, where there are

numerous small-sized counties, most judges work in jurisdictions that are not well supported by their counties.¹⁰

I think there is a lack of effective services in the community that could really help these people. You know we do have substance abuse treatment. We have some mental health treatment, but frequently, it's not really geared to the level of what the parents we are dealing with need. Again, so much is dependent upon the parents' initiative to seek out the treatment and go like they are supposed to do. It's frustrating to me to see parents not do what they need to do to get their children back . . . there's a wide disparity in the state about the support juvenile court judges receive from their county governments . . . I'm extremely fortunate here to have very strong financial support from the county – the county government has always been a supporter of juvenile court, has always funded juvenile court . . . going back to . . . the 70s and 80s . . . so I have very strong support from the leadership in the county government which is not the case for all juvenile court judges. (Juvenile Court Judge, Author Interview)

As imagined, most of these front-line encounters happen under the shadow of limited resources, judicial appointments (at least in the state of Georgia), and appellate oversight, driving juvenile court judges to seek coping mechanisms in their work. Although juvenile court judges work in rule-saturated environments, “with more rules in place, SLBs have greater discretion to determine which rule(s) to apply in a given situation” (Portillo and Rudes, 2014, p. 323). Finally, like other front-line workers, juvenile court judges shape the interactions citizens have with the

¹⁰ The state of Georgia has the second highest number of counties in the United States (Carnes, 2019). The only state with more counties is Texas.

state (most of those citizens being non-voluntary participants) – their black robes representing the authority of the state – by distributing sanctions and benefits.

Inadequate Resources, Stress, and Coping

As stated by Halliday et al (2009), “part of the enduring appeal of Lipsky’s work is his sympathetic portrayal of front-line officials” and their attempts to cope frustrating situations in which they have very little control and the presence of scarce resources (p. 406). As characteristic of street-level bureaucrats, juvenile court judges often work under conditions strained by high caseloads, disproportionately low pay, “mandated responsibilities,” and the presence of difficult-to-work with citizen-clients (Lipsky, 2010, p. 29).

Consider these interview responses by two different judges. The first judge works in a rural area with extremely limited resources and outside community support. The second judge works in an “independent” court which houses its own probation office, for example, and supports a mid-sized staff.

INTERVIEWER: *What is it like . . . doing juvenile court work?*

JUDGE: *I get paid [to work as a judge] one day of the week but I’m involved in [juvenile court work] every day of the week . . . 15-20 hours a week. I have secretaries in private practice [but] I have a conference with myself everyday [for the juvenile court work] . . . I love the work; I love dealing with kids . . . I really believe I’m underpaid but I love dealing with kids, trying to fix their problems, fix the problems of the families in the community to make them better parents, better children – just being involved in them. (Juvenile Court Judge, Author Interview)*

(Like many judges interviewed, this judge expressed fondness for the work despite the circumstances.)

INTERVIEWER: *What is the most difficult aspect of being a juvenile court judge?*

JUDGE: *Time management. We have - when I started, we had 200-something kids in care. Right now, we're at 350. I've got, even on my work days, specially set hearings . . . [I work on] orders at the baseball field, the soccer field, the football field. At night, I don't have time to type in the changes. We're understaffed. We're all over-stressed. The department is the exact same way. We're burning out all of our attorneys because when we have a shortage of CASAs [court-appointed special advocates], then we have to appoint an attorney guardian ad litem to those cases – everyone is simply taxed. (Juvenile Court Judge, Author Interview)*

Despite differences in available resources, both juvenile court judges expressed feelings of being overworked.

Although juvenile court judges work hard to follow the law – an act that is more likely a reflection of their professionalization than their status as street-level bureaucrats – they often resent the additional burden of responsibility that is sometimes put on them by the state.

The law has changed here a great deal. Over the years, I've tried to follow the law the best I knew how to. The [Court of Appeals] has recently changed the way of the look of the law putting a burden on us that does not exist in statute . . . We have a lot of hearings. In a dependency case, there are six hearings a year that we are required to have which is about five more than any superior or state judge is

required to do. . . It's a burden on me, but I'm willing to take that burden. (Juvenile Court Judge, Author Interview)

As a result of inadequate resources and interactions with non-voluntary clients, juvenile court judges, like other street-level bureaucrats work in increasingly stressful environments.

My husband said you don't cry as much anymore . . . Obviously, it had an emotional impact on me . . . Particularly when you are in a court with just one judge, you don't have anyone to talk to about the work with . . . that's a very lonely feeling. It means you cannot release a lot of stress and the tensions that you feel . . . It is very highly stress[ful] . . . (Juvenile Court Judge, Author Interview)

And they feel the weight of responsibility daily.

INTERVIEWER: *What decisions make your job as a judge more difficult?*

JUDGE: *Making decisions (laughs). Making decisions that affect people's lives, especially children . . . and knowing that I am limited by what is given to me . . . that I can't just go out and do my own investigation – I'd probably be looking in other places that those who are presenting to me are not. . . So there are decisions that are life-altering [and] I'm always wondering if the snap-shot that was presented to me in court, is that all that is going on and if there was something else, had I known, I may have responded differently . . . particularly if it's a decisions to remove a child from the home. (Juvenile Court Judge, Author Interview)*

Consequently, juvenile court judges attempt to cope by engaging in routines that limit the burdens of their work (Lipsky 2010).

[Collaborations] allow[] the court to handle the volume of cases, quite frankly, in a good, appropriate way. For instance, the citizen panel reviews that you mentioned. Without those, the volume of cases that we have, the judges couldn't hear them all for reviews. ... It's a vital role because it plays into the integrity of the court for the court to be able to do all that it needs to in order to accomplish those goals. And it's always using court-based programs as new ways to treat families effectively. Research as you probably well know, research changes. Trauma-based is a big thing now. Drug treatment is a big thing now. And so as we hear and learn of new ways to effectively treat individuals, the court-based program gives us an opportunity to combine those with the court to be effective. (Juvenile Court Judge, Author Interview)

They often do so through routinization and standardized practices to “ration services, attempt to control uncertainty, husband worker resources, and manage consequences of routines” (Portillo and Rudes 2014, 331). One of the patterns of practice used is that of problem-solving collaborations.

Work as Citizen Agents/State Agents

It is also common for juvenile court judges, like other street-level bureaucrats to “manifestly attempt to do a good job in some way, given the resources at hand and the general guidance provided by the system . . .” (Lipsky, 2010, p. 81). As explained by Lipsky (2010),

street-level bureaucrats do not proclaim perfection; rather, they believe they are doing the best work they can, and they are often willing to seek practical solutions to do so.

I try to do the best job I can . . . this is probably not acceptable to a lot of folks. I pray daily to try to have wisdom and compassion toward anyone who comes before my court. I try to look at their life experiences to see what we can do to better for them . . . I try to give them ownership of their lives . . . so they can be a better child or better parent. (Juvenile Court Judge, Author Interview)

According to Maynard-Moody and Musheno's (2000; 2003) conception of the citizen-agent, front-line workers are driven by their assessment of the individual characteristics of the clients they serve, rather than self-interest or by public norms or values rooted in economic, market-based principles. Such individual characteristics include age, level of education, race, and gender, and front-line workers often make determinations regarding whether they perceive clients to be "worthy" of receiving resources, extra-beneficial treatment, or particular services (Maynard-Moody and Musheno, 2000). In the case of juvenile court judges, like other SLBs, "advocacy is one of [their] scarcest resources. They lack the time, the tolerance, or the goodwill . . . to push and push for everyone. They reserve this resource for the worthy few" (Maynard-Moody and Musheno 2003, p. 119). In the context of the juvenile just system, most judges consider vulnerable children, and to a lesser extent, parents, as the "worthy few." (Maynard-Moody and Musheno 2003; Ventrell 1998).

Seeing children suffer is very hard. Seeing them suffer in the system. That's very hard. (Juvenile Court Judge, Author Interview)

At the end of the day, I've not found anybody . . . that don't care about their children and want their basic needs to be met. (Juvenile Court Judge, Author Interview)

More importantly, judges see these children, as well as parents who are willing to work hard to do their best for their children, as “worthy of extra investment” (Maynard-Moody and Musheno 2003).

I love the work; I love dealing with kids . . . I really believe I'm underpaid but I love dealing with kids, trying to fix their problems, fix the problems of the families in the community to make them better parents, better children – just being involved in them. For example, I do something that is not required by law. I make the kids come back for a conference every two months whether they are placed on probation so I can have a better relationship with them to determine what's going right, what's going wrong. If they are doing right, I praise them. If they are doing wrong, we have a conversation they are not going to like. (Juvenile Court Judge, Author Interview)

However, the citizen-agent narrative also suggests that judges might view some individuals, particularly parents, as “unworthy” or incapable of being helped (Maynard-Moody and Musheno 2003).

From my standpoint, the most difficult kind are where the children and parents are bonded and the parents have long term issues that are not likely to easily remedy themselves and the children are not likely to return home and they want to go home and they want to be with the parents . . . because of cognitive issues . . . incarcerated

repeatedly . . . or substance abuse problems. (Juvenile Court Judge, Author Interview)

People who have some awareness that they have ability to change. A lot of that can go to a person's mental state. If you have untreated mental illness like a bi-polar disorder or schizophrenia, part of the disease – as I have learned to try to cope with cases – part of the disease is resistance to treatment and when you have that situation, it can be very difficult. People who accept that they are capable of change, they accept new ideas . . . like show some insight . . . those are the cases that can be successful. (Juvenile Court Judge, Author Interview)

And, for some judges, more parents than not fall into the category of “unworthy” or being difficult to help.

INTERVIEWER: *What types of people before the court are easiest to serve?*

JUDGE: *Easiest to serve? . . . I don't know because I tend not to . . . the ones who are easiest to serve do not usually end up in front of me . . . if DFACs is able to maintain the safety of the child. (Juvenile Court Judge, Author Interview)*

Finally, juvenile court judges, like other SLBs, use concepts of self-identity and client-identity as drivers for how they do their jobs (Maynard-Moody and Musheno, 2003). One judge stated:

Even before I became a judge . . . I was sent to the YDC . . . and I was horrified that all of the faces there were black . . . that system is stacked against people of color, at least on a state-wide basis, starting with the decision of whether when you stop someone on the street, are you going to call their parent . . . or whether you are

going to arrest or file a complaint and send them home. . . At every stage of the process, I know there is bias . . . I came away with [the thought that] I was going to keep reference, I was going to keep numbers, to make sure there was no disparity. (Juvenile Court Judge, Author Interview).

Another stated:

Umm you now, it involved people's lives. One might think that termination of parental rights were the most difficult, but they really weren't. By the time we go to that point, it was mostly very clear . . . Most of the times, the parents knew it and that was it. The things that I think back about it that were the most traumatic involved fifteen or sixteen year old boys in delinquency court whose [parents] were rejecting them. That was directly related to my own situation where [I was the parent of boys]. (Juvenile Court Judge, Author Interview)

And another explained:

I do think what makes me good at what I do is the fact that I'm a [parent of] school aged children, so I think I have a good understanding – certainly not of the struggles everyone faces because my circumstances are different – but I do think that I can say from experience, especially to my Family Treatment Court participants that you need to find your circle of people to help you because you can't do it all alone. And then I can say to kids, you know, I can talk to them about school because I understand the school system and I know how to navigate. So I think being a [parent] and being a [parent] of young children . . . does give me a

unique perspective – or not unique necessarily – but it does give me some relatability to the job. (Juvenile Court Judge, Author Interview)

As expected, when juvenile court judges perceive commonalities between themselves and parents who are before the court or when they view parties as being particularly sympathetic, they may be more likely to make decisions that benefit those parties.

Based on these assessments, front-line workers then decide how they will apply rules and directives set by the governing authority to give or withhold certain services from citizens. In the case of children, most judges are willing to go the extra mile.

One way that this extra effort is demonstrated, according to Tummers et al (2015), is that some “front-line workers [such as juvenile court judges] often seem to pragmatically adjust to the [citizen’s] needs, with the ultimate aim to help them” (p. 1108). Much like human service professionals, many juvenile court judges express a “‘social work narrative’ [that privileges outcomes]: focusing on helping [children and families] achiev[e] long term success” (p. 1109). For example, judges, like the one mentioned below, often go beyond what is statutorily required of them.

Sometimes we would hold hearings every two months instead of every six months to ensure that a child was going to be adopted promptly . . . that made the work harder, but having people work together, knowing that it was difficult work but we were trying to get it right, made the work easier. (Juvenile Court Judge, Author Interview)

In addition, based on a number of the interviews conducted, most juvenile court judges use problem-solving collaborations (or would like to use problem solving collaborations) as a practical means to provide better solutions for families and children they deem “worthy” or “capable of being saved” under the court’s jurisdiction. For example, one judge stated:

. . . we have to remember that especially with children, they are going to be adults one day and it’s so crucial at this time of their lives that we are putting things in place to put them on the path to success . . . I just definitely believe that as the court, we’re here to intervene and assist and put people on a successful path . . . and really partner with the community . . . so that families feel supported by the community.
(Juvenile Court Judge, Author Interview)

While another stated:

I always thought it was going to be too much work or I wouldn’t be able to accommodate a treatment court or accountability court . . . we’ve had it up and running for about six years. We had three parents who overdosed and died during the course of cases I was presiding over. That changed me. I thought, “I can’t sit here and watch and not try to do more.” It’s one of my favorite things to do but it’s a lot of work. (Juvenile Court Judge, Author Interview)

Even where judges work in districts or circuits that lack the resources to accommodate formalized problem-solving collaborations, such judges expressed regret due to the inability to participate.

I would love to have [citizen review panels]. . . Unfortunately, I just can’t get the community to buy into it. You gotta have X number of people to do it and while my case load keeps me busy, it’s not enough to warrant the expense. . . [But] it would

be fantastic. Like I explain to people all the time, the more eyes I have looking at the families I deal and their points of view gives me something to look at and judge where we're going to. I'll be the first to admit, I ain't perfect by no means. I just want to see that [we] do right. If I had CASA workers, case panel reviews, it would give me various opinions . . . so I can make good decisions about the kids. I want the most information I can [get], so I can make the best decision I can. (Juvenile Court Judge, Author Interview)

As discussed in Chapter 2, the use of problem-solving collaborations is encouraged as a mechanism to reach the goals of the court. Indeed, judges may view collaboration as a means of increasing the level of responsiveness to the citizens they serve.¹¹ Evidence shows that bureaucrats are often more likely to work harder to bring about positive policy outputs when they have strong preferences for the work that they do and when they have the capacity to handle the work they are being asked to do (Brehm and Gates, 1999; Cohen and Eimicke, 2008). As a result, judges may engage problem-solving collaborations (1) when such collaborations reflect public interest values; (2) where the courts share similar missions with the outside agencies that assist in providing services, and (3) where such collaborations allow the courts to maintain strong community ties (Brown, Potoski, and Van Slyke, 2006; Lamothe and Lamothe, 2012; Reynaers, 2014). Furthermore, third party collaborators whose successful operation depends on the support of the public and public officials and whose institutional field is commonly governed by standards,

¹¹ Street-level bureaucracy theory is one of the most well-known theories of client responsiveness in public administration (Frederickson et al, 2012).

norms, and practices associated with public interest are more likely to demonstrate higher levels of client responsiveness as well (Deephouse and Carter, 2005; Sunshine and Tyler, 2003).

Judges and Discrepant Logics

Despite the overwhelming propensity to engage problem-solving collaborations (see Table 1.1; Appendix A), there remains a question as to why juvenile court judges choose a logic of collaboration even when we would not expect them to do so. Contemporary scholarship on the existence of multiple institutional logics within an organization, as well as research on front-line work, although lacking in consensus, offers useful insights in understanding why judges might subscribe to a logic of collaboration in lieu of or in conjunction with a logic of law if they perceive the use of collaborations as necessary to meeting the core organizational missions of the courts (Besharov and Smith, 2014; Chiarello, 2015; Garrow and Grusky, 2012; McPherson and Sauder, 2013). Specifically, these studies show that front-line workers are often moved to construct their work favorably for the citizen-clients they serve based on their personal affinities toward organizational goals and missions. In other words, while the actions of juvenile court judges are “partially determined by the institutional logics [of law and collaboration] that structure the organizational fields in which [judges] operate” (Garrow and Grusky 2012, p. 104), judges may choose to use either available logic to meet what they perceive as the goals of the court (McPherson and Sauder, 2013).

For example, in an article by Garrow and Grusky (2012), the authors examined the influence of institutional logics on street-level work within the context of HIV/AIDs health organizations. They found that frontline employees are more likely to follow guidelines set by the governing organization when those guidelines reflect the core logic of the organization and when they could also best meet client needs. McPherson and Sauder (2013), in comparison, explored

the relationship between street-level bureaucracy theory and logics in the context of drug treatment courts. They asserted that street-level bureaucrats often employ logics as strategic tools to accomplish organizational goals, even if it means “hijacking” logics of other institutions or professions. In this chapter, I argue that juvenile court judges often “hijack” the logic of collaboration, while simultaneously employing the logic of law, in order to accomplish the court’s goals.

Research on institutional logics and the discretionary decision-making practices of street-level bureaucrats demonstrates that “workers reject practices that conflict with their understanding of the organization’s core purpose and activities” and in turn, adopt those practices that align (Garrow and Grusky, 2012; Knudsen et al, 2007). Moreover, research suggests that if an organization is governed by more than one goal or mission, street-level bureaucrats may use their discretion to determine which goals to highlight in their actions (Keiser, 2010, citing Chun and Rainey, 2005; Meier, 1993; Pandey and Wright, 2006; Rainey 1993).

In the context of juvenile court work in the state of Georgia, the goals and objectives of the court are clearly stated in the law (Belton et al, 2013).

Well I’m pretty pragmatic about it. This is a lawyer answer. Really the purpose that is stated in the [statutory] code – the preamble of the [statutory code]. I mean it’s a paragraph long, but it’s basically to help people who are referred to the court get what they need – them and their families. In the case of a delinquency case, you balance their needs in terms of how they get it, balancing the needs of community safety – favoring them being at home as soon as possible. Similarly, in a dependency case, making sure that family and children get what they need and the goal is to have that happen with the family intact. In that case balancing the needs

for reunification and safety of children and all of that. I really think that's the main goal but I also think you don't split up kids and families that don't need to be involved in the court. Families and kids that can be served without a judge being involved should be served in the community without a judge being involved. (Juvenile Court Judge, Author Interview)

Some judges frame the court's goals in aspirational terms:

To make [children and families] better than when they came in the system – where they were . . . so they can survive. (Juvenile Court Judge, Author Interview)

To reunify families, to put them back together. To send those children home to their parents in a better home. (Juvenile Court Judge, Author Interview)

Others have a much more limited view.

Safety of children [is one of the most important goals of the court]. I, um, had to give this speech yesterday because I think people come into court and they think cases like custody cases . . . juvenile court and the issue of dependency is all about the fitness of parents and fit is a pretty low standard. It's not the same as the best interest of a child.... that's not what we do and a lot of people don't understand that . . . If a parent is meeting a child's minimum need, then they are entitled to have their children . . . that's one of the issues – making sure we are doing only what we are legally required to do. (Juvenile Court Judge, Author Interview)

Nevertheless, each juvenile court judge that I interviewed expressed agreement with the overarching policy goals of the court even if they expressed dismay about some of the procedures. As explained in Chapter 2, however, many of the policy goals of Georgia's juvenile court system are rooted in a logic of collaboration. This judicial commitment to policy goals that are based on a logic of collaboration introduces a key tension in juvenile courts between traditional conceptions of the adversarial process and collaboration. This tension is a key condition for considerable variation regarding how judges use their discretion to accomplish those different goals, and variation regarding which mechanisms judges view as appropriate and central to those goals.

As explained by McPherson and Sauder (2013), in the absence of the knowledge that juvenile court judges engage in problem-solving collaborations, it would be reasonable to predict that a juvenile court judge would adhere to a logic of law instead of a logic of collaboration. Indeed, judges make expresses that conform to the logic of law when framed as an ideal type (See Table 2.1: *Ideal Types of Logics in the Juvenile Court*).

[The most important goals of the court are] fairness, due process, justice, compassion . . . for the due process piece, we appointed attorneys for everybody. You had to fight us not to get an attorney. Our deputies made sure people were served . . . (Juvenile Court Judge, Author Interview)

As expected, judges view the source of legitimacy of a court in whether the procedures are fair and rights are protected. Nevertheless, judges engage in problem-solving collaborations that give diminished consideration to procedures and rights that are often associated with courts – even the less informal settings that characterize juvenile courts. In order to understand how judges make sense of their everyday work yet invoke vocabulary commonly associated with the logic of law, I examine judges' perceptions of justice in the juvenile court.

In the context of juvenile courts, distributive justice relates to the extent in which an individual feels that the *outcomes* are fair (Cohen-Charash and Spector, 2001). Comparatively, procedural justice refers to the belief that the *process or policies used to determine outcomes* are fair (Cohen-Charash and Spector, 2001). As more researchers began to examine the distribution of outcomes, many realized that “the perceived fairness of the process by which outcomes [are] achieved [is] also important and in some cases even the most important determinant of perceived [] justice” (Cohen-Charash and Spector, 2001, p. 280). According to Tyler (1994), “people recognize that they cannot always receive the most favorable or desirable outcomes” (p. 859). Moreover, when people perceive the process and institutions as fair, they are more likely to accept decisions, even unfavorable ones (Tyler, 2007).

When asked which is most important, more juvenile court judges answered that procedural justice is more important than distributive justice (see Table 3.1: *Perceptions of Justice and Collaborations among Juvenile Court Judges*). Specifically, out of the judges who willingly answered the question, fourteen judges interviewed stated that procedural justice is more important, while only eight of the judges stated that the outcome of a case is more important.

Table 3.1: Perceptions of Justice and Collaborations among Juvenile Court Judges

	Procedural Justice (# of judges stating procedural justice is more important)	Outcomes (# of judges stating outcomes are more important)
Logic of Collaborations (# of judges using language that privileged logic of collaboration)	2	5
Logic of Law (# of judges using language that privileged a logic of law)	8	3
Logic of Law and Collaboration (# of judges using language that privileged both)	4	0
Total	14	8

Source: author's categorization of judges' commitments, based on coding of interview responses.¹²

The following examples are illustrative. One judge stated:

I mean you've got to ensure that everything is followed. The parents have rights.

The children have rights . . . I think sometimes you can get overzealous . . . of course

¹² Some of the judges interviewed declined to express a preference when asked whether procedural justice or outcomes is more important.

the best interest of the child is always on everyone's mind . . . but we can't get upset when someone is activating their rights. (Juvenile Court Judge, Author Interview)

Another said:

I think just being a lawyer and a judge, if you get to the right outcome and the procedures are messed up, that's a problem. You could get reversed, right? . . . I think procedure is really important. But there has been times . . . when the right outcome happens when procedures got messed up. For instance, there was a case where an attorney for DFACs kind of messed everything up . . . when the law . . . changed and we didn't have to go back to court for extensions of [state] custody . . . in the old way we used to do it, custody would expire . . . so we had a case and honestly, I mean I could have caught it and I didn't. . . attorney used old language . . . saying this order will expire in one year. When they filed a termination of parental rights . . . and there was a [relative] intervening . . . and the child was in a foster home because the [relative] had initially said 'I don't have time' . . . in the middle of termination of parental rights proceeding, this attorney argued that the custody had expired. He told his client who was the [relative], who was keeping the child over the weekend to not send the child back to the foster home because the custody had expired . . . that was a procedural glitch, but my plan was – I had already decided that if parental rights were terminated – I was probably going to give custody to the [relative] and not DFACs . . . the right outcome happened, even though procedurally, it was a terrible mess. (Juvenile Court Judge, Author Interview)

While this judge stated:

Doing the right thing. That's different from different perspectives in the world but I want to do what I feel is the best thing for each person, each child, each parent, whatever. Justice means they are treated fairly under the law. I may not agree with the law all of the time. I'm realizing that more lately than I'd care to admit. But they got to be treated fairly in court, treated fairly if they are on probation . . . but they need to take the responsibilities for their acts . . . They're going to be treated fairly. They may not like the result. But that's in the eye of the beholder. I'm going to do what is legally require. I'm going to do what I think is right for them. I'll be the first one to admit that in my circuit, I am more strict than the other [judges]. But that's just my moral compass – I'm not going to change my compass to fit society's needs. (Juvenile Court Judge, Author Interview)

On the other hand, fewer judges expressed that the outcomes are more important.

Well, from a legal standpoint, procedures matter because I think, you know, we have to make sure people's rights are protected and by that I mean – now I've had cases, if a child has been charged with an offense or a parent has had a case filed against them – well, not against them – if a dependency case, if due process hasn't been had and the case has to be dismissed because of that, I'm fine with that even though it may mean that child . . . it can always be re-filed and that's a whole other matter . . . but legally due process matters and people being afforded those rights, I think that matters. But assuming everything is legal, I think the outcome is most important. (Juvenile Court Judge, Author Interview)

Justice is a pre-determined outcome based on pre-determined principles that are supposed to be fair to all involved. Basically, it means everyone goes home equally

mad . . . In juvenile court, it's the outcome for the child – bar none. That's my dictate from the law and my moral imperative. (Juvenile Court Judge, Author Interview)

Based on the frequency of responses, and as demonstrated in Table 3.2 (*Institutional Logics and Ideal Type Perceptions of Justice*), judges who frame justice in terms of procedures seem to adopt a “home” logic of law, while judges who frame justice in terms of outcomes mostly adopt a “home” logic of collaboration.¹³

Table 3.2: Institutional Logics and Ideal Type Perceptions of Justice

Institutional Logic	Key Aspects of Ideal Type	Ideal Type Perceptions of Justice (“What is more important – procedures or outcomes?”)
Law	<ul style="list-style-type: none"> • Focus is on fairness of procedures and protection of rights • Concern with avoiding overturned decisions on appeal • Judge represents authority of the court 	<ul style="list-style-type: none"> • Judges believe that the procedures of a case are more important than the outcome. Even if the outcome produces a result they disagree with, the most important factor is that procedures were properly followed.
Collaboration	<ul style="list-style-type: none"> • Focus is on achieving effective outcomes that solve 	<ul style="list-style-type: none"> • Judges believe that the justice is accomplished when the best outcomes are

¹³ Table 3.2 is inspired by Reay et al (2017), Table 2. However, categorization is based on author’s research.

	<p>complex problems on behalf of families and children</p> <ul style="list-style-type: none"> • Concern with shared resources and knowledge • Power is shared across groups 	<p>achieved for children and their families.</p>
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Despite these findings, however, most of the judges interviewed who privileged procedural justice and a logic of law still engage in problem-solving collaborations (see **Table 1.1: Georgia Juvenile Court Judges’ Use and Views on Problem-Solving Collaborations**). There are several reasons why juvenile court judges, who otherwise subscribe to a logic of law, would “hijack” a logic of collaboration in order to provide better outcomes for children and families (McPherson and Sauder, 2013).

As explained by McPherson and Sauder (2013), “logics are decidedly extra-individual, their construction, their transmission, and their use depend on people who themselves have interests, beliefs, and preferences” (pp. 167-168). While it is commonly assumed that institutional actors always subscribe to the “home” logics, which in the context of most judicial systems is a logic of law, an actor’s “institutional background does not at all determine the type of argument they will make [in favor of a particular action or mechanism] nor which logic they will use” to justify their uses of discretion (McPherson and Sauder, 2013, p. 180).

In the context of juvenile court judge, they may choose to adopt a logic of collaboration in order to achieve goals that a logic of law would not otherwise allow. For instance, one judge shared a story in which s/he decided to use family drug treatment courts after overseeing cases

where drug dependent parents overdosed and died. While the judge expressed that all judges should follow practices that ensure procedural justice, the judge expressed a willingness to engage problem-solving collaborations in order to achieve meaningful results for citizens. Here, such use of discretion demonstrates that judges sometimes view different logics as being compatible with each other and with the goals of the court.

In contrast, street-level bureaucrats have the option of completely rejecting or ignoring a logic if they feel the logic is incompatible with the objectives of the organization (Besharov and Smith, 2014). In the case of juvenile court judges, a judge has the option of limiting access to problem-solving collaborations if the judge believes that the use of such collaborations would achieve worse outcomes for citizens. Although the data analyzed in this study show that a rejection of the logic of collaboration under this type of circumstance is rare, one judge interviewed expressed concern that community volunteers such as those serving on citizen review panels unnecessarily express bias against families and children under the court's jurisdiction. Although a preference for distributive justice is more closely aligned with the logic of collaboration, this judge chose to be selective in his/her engagement in problem-solving collaborations.

Finally, "institutional actors can engage in strategies that allow potentially competitive logics to co-exist" (Currie and Spyridonidis, 2016, p. 78; citing Purdy and Gray, 2009; Reay and Hinings, 2009). One way actors may accomplish this is by "keeping apart people, practices or audiences that follow contradictory or competing logics" (p. 78). Consider the following example:

My predecessor had started the citizen panel reviews and he stopped them . . . I fully agreed with it because what we saw happening was the citizen panels reviewed were becoming situations where the parents wanted their attorneys to be there. The guardian ad litem wanted to be there and DFACs attorneys wanted to be there.

But because the citizen panel did not have any authority, right, I mean they are not convening as a judicial body, everything had to come for a hearing. It got to the point where people did not trust – attorneys for the parents believed their clients were being asked things improperly . . . I think a lot of people in the process think citizens are more conservative and they started challenging parents to do things according to case plan . . . it became a procedural nightmare . . . and I think it was too slow. (Juvenile Court Judge, Author Interview)

In this instance, the judge previously expressed the importance of relying on mechanisms framed by the concept of procedural justice, stating, “if you get to the right outcome and the procedures are messed up, that’s a problem” (Juvenile Court Judge, Author Interview). Nevertheless, the judge declined to engage problem-solving collaborations because parties demanded representation. This does not mean that the judge rejected the logic of law. Rather, the judge expressed a view that indicated that s/he did not think that a logic of law and a logic of collaboration could co-exist in the same physical space (e.g., formal courtroom hearing versus informal citizen review).

Other judges, in comparison, may view logics as being more compatible and cooperative. For example, when asked whether attorneys represent parties where cases have been sent before a citizen panel review, this judge stated:

I think it can go both ways. I think it kind of depends of the attorney . . . there is more free-flowing information. We don’t have the rules of evidence . . . [But when attorneys decide to go,] it has not impeded the process at all. (Juvenile Court Judge, Author Interview)

Conclusion

Over the last thirty to forty years, street-level bureaucracy theory has been used as a means to understand the “problem of the implementation gap – the idea of a gap between policy and implementation in practice” – that scholars believe characterize public service delivery in federal, state, and local bureaucracies (Carson et al, 2015, p. 167; see also Lipsky, 2010; Riccucci, 2005; Maynard-Moody and Musheno, 2003). While street-level bureaucracy theory has primarily been used to explain how policy is differently implemented, practiced, and somewhat initiated at the front-lines of the public sector (but cf. Brodtkin, 1997; Dias and Maynard-Moody, 2007; Smith and Lipsky, 1993), I argue that the theory may be used to explain how judges seek to align their actions with organizational goals. Specifically, I suggest there is a third narrative that exists beyond that of the state-agent/citizen-agent narrative (Maynard-Moody and Musheno 2003; 2000) whereby judges act as “institutional-agents” who respond to the competing rules, policies, and procedures mandated by the state, but also respond to the routines, practices, norms, and concepts of sense-making that have been constructed within the institutional fields and professions in which they work (see Chiarello, 2015; DiMaggio and Powell, 1983; Friedland and Alford, 1991; Garrow and Grusky, 2012). Institutional theories suggest that all street-level bureaucrats must operate within three institutional spheres: the organizations in which they work, the state, and the larger, overarching institutional field (e.g., Powell and DiMaggio, 2012). Thus, patterns of front-line behavior must be understood not only by how street-level bureaucrats use and respond to the rules and policies of government, but also how they negotiate and respond to the routines, practices, and norms that exist in each of the institutional spheres when making judgements about citizens (Chiarello, 2015; Powell and DiMaggio, 2012). As a result, logics provide street-level bureaucrats with tools to legitimize their behavior.

Chapter 4: Juvenile Court Judges as Managers

In the previous chapter, we learned that juvenile court judges experience similar constraints and challenges normally associated with street-level bureaucracy in their everyday work. As front-line service providers, juvenile court judges often go beyond their duties to achieve better outcomes for children and families under the court's jurisdiction. To do so, they commonly make practical decisions, including the decision to engage problem-solving collaborations, even when they would normally be expected to subscribe only to a logic of law.

In comparison, this chapter will demonstrate that not only do juvenile court judges exercise discretion on the front-lines, but they also work professionally as managers and administrators of the court. Using the semi-structured interviews collected in this study, I find that juvenile court judges, in their roles as managers, favor the logic(s) they perceive to be most closely connected to their professional role identities (Reay et al, 2017). By tying concepts of identity to field-level logics, we can better understand how judges make sense of their roles and responsibilities in the face of multiple logics.

According to Pache and Santos (2013), "logics influence individuals' behaviors by providing them with ready-to-wear means-end prescriptions" (p. 6). As a result, logics give meaning to action and legitimate appropriateness of behaviors (Thornton and Ocasio, 2008). Within an organization, actors working there are exposed to societal level logics in a number of different ways (Pache and Santos, 2013). For example, individuals may be exposed through their own childhood, educational, religious, or prior professional experiences. Or, they may be exposed to field-level logics through the activities that take place in the workplace. Pache and Santos

(2013, 8) also argue that such exposure to logics varies “by degree of availability, the degree of accessibility, and the degree of activation of the logic.”

For the purpose of studies such as this one, “activation refers to whether available and accessible knowledge” - defined as the degree to which an individual knows about, understands, and can recall specific norms and patterns of behavior – “are actually used” in organizational settings (Pache and Santos, 2013, p. 8; Thornton et al, 2012). More importantly, research shows that logics are not activated without human intervention. Stated differently, organizational actors must “animate” logics in order for them to have any influence on the day-to-day activities of an organization (Spitzmueller 2018, p. 140). As a result, managers play an important role in the activation of competing logics.

In the case of public administration, managers activate logics through the process of their identity work (Bevort and Suddaby, 2016). This means that how managers perceive their own identities has bearing on how logics are activated.

In this chapter, I first explore how judges exist in their roles as both street-level bureaucrats and as managers. I then argue that juvenile court judges, in their roles as managers, are most likely to activate the logic of collaboration when they view themselves as managers of social welfare/treatment teams or as case managers.

Judges as Managers

Although the different roles of street-level bureaucrats and of managers are treated as mutually exclusive in the literature (*cf.* Kras et al, 2017; Evans, 2010), juvenile court judges represent the authority of the state on both the front-lines and in an administrative capacity.

Significantly, juvenile court judges also speak of themselves in a way that suggests that they operate at the intersection of dual roles.

INTERVIEWER: *Do you currently have a staff?*

JUDGE: *Umm, a small one. (Laughs) I have a full-time secretary that is technically my only staff. I do have - the superior court's office has taken over the clerk responsibility. So, I do have a deputy clerk that I work closely with, although they're not actually my employee . . . we also have a family treatment court and I have a family treatment court coordinator and a family treatment court case manager, who is part-time . . . [My relationship with them is] extremely close. They are always willing to help when they can. They provide a very high level support and really kind of keep me where I need to be when I need to be – they try to keep me on schedule as much as the possibly can . . . [My work is made easier having] a good team. I guess team is probably more of an appropriate work than staff because I look at juvenile court as a team effort, whether DJJ is involved and is a team member, DFACs is a team member, the attorneys for the parent or attorneys for the child or CASA. Having everybody communicating and working toward the best possible outcome, really makes my life easier. We have a lot of the same people that work in juvenile court so it really makes it easier because they have very good relationships and they can sit down and talk about cases and usually, the best outcome for a case. We have a lot of consents in my court and that is because we have team members who are trying to get children back home or get children what they need in terms of services. (Juvenile Court Judge, Author Interview)*

In this example, the juvenile judge discusses his/her work in terms of limited resources and the positive influence of peers (Lipsky, 2010). On the other hand, the judge clearly speaks in terms of other people working for him/her or on his/her behalf.

Like managers, juvenile court judges often view themselves as responsible for the policy goals of the court (Lipsky, 2010). While citizens often view street-level bureaucrats as the “face” of government (Lipsky, 2010; see also Portillo et al, 2013), juvenile court judges, as managers, are held to an even higher standard and sometimes bear the sole burden of responsibility for “failings” of the court (Neitz, 2011, p. 111). Therefore, juvenile court judges carry a greater concern for making sure that others, including members of the community and courtroom workgroup, are well educated regarding the role and mission of the court. In addition, juvenile court judges often see themselves as responsible for maintain relationships with such individuals as well. As one judge put it to me,

In my community, there are no CASA workers. I have not had CASA in five years . . . [the manager] has not done a good job recruiting people. I've done more work than [the individual] has . . . talking to church members, rotary, people like that . . . I have a good relationship with the DFACs workers. They know me, they know who I am, what I expect. Unfortunately, their faces change on way too frequent times. Like everybody else, you gotta learn what their biases are, where they are coming from, what they are trying to do . . . (Juvenile Court Judge, Author Interview)

Another judge explained:

I think I'm probably a bit more hands on as far as believing in judicial leadership than some of my predecessors . . . Some judges believe that "I'm the judge, I need to remain impartial, I have to be separate from everything" . . . That's kind of the old school way of doing it because everyone is afraid of being accused of being this, that, or the other. But at the same time, I think that if the judge doesn't care about it, no one else is going to care about it and you're going to continue in this mad cycle. (Juvenile Court Judge, Author Interview)

This judge expressed ownership regarding the policy goals of the court even after describing the courtroom workgroup as a team.

I think the most important goals of my court are in fact reunification and rehabilitation. If you are taking our delinquent kids and giving them the resources their need to be successful or to get past whatever reason that has caused them to be in my court. In terms of reunification, it is putting those resources in place to where parents or guardians can work a case plan, and change their behaviors, and change their lives where their children can be united with them and not ever have to come back into foster care or relative care again. (Juvenile Court Judge, Author Interview)

Each time, s/he used the word "my," there was a clear emphasis added in the tonal inflection of his/her voice.

This merging of front-line judicial and managerial roles is significant because research on institutional logics suggest that managers "play an important role in shaping organizational outcomes" (Pache and Santos, 2013, p. 4). As managers, juvenile court judges also express a clear

understanding of the court's mission and goals, and they communicate a responsibility to coordinate the efforts of members of the courtroom workgroup and other important stakeholders, dictating how different parties interact and relate to one another, in order to accomplish judicial goals (Frederickson et al, 2012). Several judges indicated to me that they believe they are responsible for setting the agenda of the court and facilitating relationships between not only members of the courtroom workgroup but also between parties and members of the courtroom workgroup. In some cases, this requires the judge to adopt a cheerleading role. Consider these this example:

We are here to strengthen and empower . . . we shouldn't be in the business of taking people's children. That's not the agenda. And I tell my parents that: "You heard the DFACs worker. They are trying to do a reunification plan. You know they are safe, and they are being taken care of and you're having your visitations. So at this point, I need you to focus on you getting yourself together" . . . so by the time we get to the permanency stage, we can try a child home placement . . . (Juvenile Court Judge, Author Interview)

In other cases, judges express that they set the tone of those relationships through their own actions and behaviors.

So we have a lot of tools and we have a lot of protocols. We try to institutionalize the really good things we do . . . it is important for the judge to model the things that are necessary to achieve the goals. It's necessary for the judge to engage with people . . . we have to have a lot of discipline and structure . . . (Juvenile Court Judge, Author Interview)

In addition, juvenile court judges, when resources allow, exercise supervisory control over their staff and play a critical role in processing and interpreting policy directives. As one judge observed to me,

[A part of what makes the job easier is] staff doing what they are supposed to do.

There is a lot of paperwork . . . We want people to have due process . . . and not some kind of pretend process. As turnover in DFACs occurred, it was harder to have that piece working . . . The time limits are so short . . . things had to move promptly and be done efficiently. (Juvenile Court Judge, Author Interview)

Most importantly, juvenile court judges exercise significant power over not only their staff members who work for them, but they also exert power over the members of the courtroom workgroup, including attorneys. In fact, some judges express views that imply that attorneys are within, at least to a small degree, within their chain of command.

INTERVIEWER: *What is your relationship like with the attorneys that come before your court?*

JUDGE: *We get along fine. They are coming as an accommodation to me. What they get paid is a lot less than what they get paid in private practice . . . I'm not going to do anything to hurt that relationship . . . This is an accommodation to me. (Juvenile Court Judge, Author Interview)*

Kras et al (2017) contend that “power is both a macro and micro” and exists in several forms (p. 218). For example, juvenile court judges exercise “legitimate power” in their roles as the authority

of the court (p. 218; citing Hepburn 1985). One judge expressed concern regarding how judges may use their power. S/he said:

Someone told me, “let me know when you become ‘judgy-fied.’” (Laughs) I think it’s the whole robe-itis thing . . . You make demands on people that really aren’t reasonable [in their view] but you just kind of use your power to affect people. . . the best advice that I got from another judge was that the greatest show of power is restraint. I think that being balanced and fair . . . if the resources aren’t there, what am I doing in terms of judicial leadership to assist those entities in getting those resources so that we can provide the best assistance for those children?
(Juvenile Court Judge, Author Interview)

S/he acknowledged a desire to use his/her legitimate power to accomplish the goals of the court rather than demonstrating coercive power.

On the other hand, judges may exercise “expert power” as a result of their knowledge, experience, and skill set (Kras et al, 2017, p. 218; citing Hepburn 1985).

I think the other goal needs to be to uphold all responsibilities and duties of a judge in court, maintaining the integrity of the judicial system, hearing all of the evidence, making rulings on the evidence. Making sure that the evidence applying the law, making certain that all of your “t’s” are crossed and “I’s” are dotted so that the court as a whole can protect children whether its dealing with abuse or neglect or delinquent kids, you gotta protect, care for, treat – and that’s a big part of it now. I think one of the goals is to treat families so that we can actually change families so that their futures are intact. (Juvenile Court Judge, Author Interview)

Here, judges express a need to properly do their jobs so that the court can operate effectively.

Finally, as public managers, some juvenile court judges, but not all, perceive their roles differently than if they were superior court judges. One judge explained to me:

If there is one thing I can tell you that is the most illustrative about where juvenile court is going, we are no longer, in my mind, a simple adversarial facility like superior courts . . . I think where we are going is basically a service court, to identify a need and find a way to placate that and fulfill that. So I think juvenile court is a service court. We serve the parents, we serve the kids, we serve the community. (Juvenile Court Judge, Author Interview)

Finally, juvenile court judges manage scarce resources (Neitz 2011).

Well, one of the things that I do is to be well-versed in where money comes from and what money can be used for, what services are available and what services would be supported by the science, and what the gaps are and how to advocate to fill the gaps to provide the services that we don't have but we actually need. (Juvenile Court Judge, Author Interview)

Judicial Identity and the Logic of Collaboration

The identity of juvenile court judges as managers helps us understand why and “to what extent [judges] activate vocabularies of motive provided by” a logic of collaboration in comparison to a logic of law (Meyers et al 2014, p. 877). We know from prior research, like that from Meyers et al (2014) that “actors activate what they regard as most appropriate and legitimate” to the “audiences” they serve (p. 863). In the context of juvenile court judges, they describe three different types of professional role identities as managers that drive their choice to adopt or reject

the logic of collaboration (Pache and Santos 2013; Reay et al, 2017). According to Reay et al (2017), “professional role identity refers to the way professionals see themselves in terms of who they are and what they do” (p. 1045). Significantly, the role identities described by the judges who were interviewed for this study do not create mutually exclusive categories.

Case Managers

Most of the judges interviewed in this study describe themselves as case managers who view their roles as separate and distinct from members of the courtroom workgroup. Case managers are much like “managerial judges” in their decision-making processes (Resnick, 1982). For example, one judge discussed the importance of collaborations with the faith-based community in his circuit:

... We have a large faith-based community [] here and that faith-based community recognizes the need. We have several [] facilities that operate under a faith banner so to speak. So they are free and easy to get. They just have limited numbers but we can usually find somebody to help get into them. And it's always helpful to have the parents local and because they are faith based, they recognize the importance of family and keeping them together. So they quickly try to situate them into some type of onsite apartment or housing where we can house the children with them.
(Juvenile Court Judge, Author Interview)

I then asked the judge whether s/he helps facilitate partnerships with the faith-based community, given the stated importance. Surprisingly, the judge responded somewhat indignantly:

No, I do not make the referrals. That is DFACs' job . . . My job is to lead the horses to water. (Juvenile Court Judge, Author Interview)

Much like managerial judges, juvenile court judges often style themselves as “monitors” or “overseers” of the judicial process (Resnik 1982). While these judges commonly engage problem-solving collaborations, they mostly steer others to act or use court programs in a way that helps them as judges better do their jobs.

For instance, when continuing the discussion with the same judge mentioned above, s/he explained that his/her job was not to circumvent or emulate the role of others, but rather encourage them to act how they should:

Well, um, we have several hearings in any dependency case. Once we get to the point of – what you might call the ‘nitty gritty’ – when we figure out the cause of dependency and how we’re going to address it, then it is encouraging DFACs not to give up hope through the law tedium before we get to a [termination of parental rights], which we all hope we can all avoid. To keep looking despite the scarce resources. And keep looking for the best in the parent because we have a struggling addict. And turn to the parent and point out to them that we don’t want their child. We want them to have their child. But to get back to where they are, they are going to have to work this case plan. They are going to have to address substance abuse issues among whatever else and if they work through the department, who they see as an enemy, they are going to get where they want to be a lot faster. (Juvenile Court Judge, Author Interview)

Nevertheless, unlike judges who view themselves as part of a treatment team, these judges collaborate not to just to provide best outcomes for children and families, but to aid in their own work as judges or to better manage the case process. When asked about why his/her court does not engage citizen review panels or other former collaborations, the same judge stated:

It would fall apart rather quickly without some sort of coordinator for it. We simply don't have the funds. They just don't exist. And consciously, the other aspect of it, the citizen review panel would take away some of my judicial reviews which is about the time that the parents and DFACs start losing faith in each other and need that encouragement that I was talking about earlier. They need that reminder that working together is the only way that we are all going to get out of the course, and it allows me to keep an eye on the case much closer than a group of random citizens would do – five or six of them. I found that people respond much better when people say hear the judge say, “look, you’ve got to do the rehab’ or ‘look, DFACs, you’ve got to find a place for them to do the rehab . . . they have children turning 18 because we’re sitting around waiting.” (Juvenile Court Judge, Author Interview)

On the other hand, juvenile court judges, as case managers, are likely to engage problem-solving collaborations if such engagements aid in their roles as finders-of-fact. One judge emphatically explained:

‘Eyes. E-Y-E-S.’ The more eyes you can put on the problem, the more you’re going to have an opportunity to have people that’ll step up. The more eyes that are on a person who is in a position of responsibility to comply with a court order, the more likely they are to comply with that court order if they know someone is looking at them. That’s why CASA is so important, that’s why judicial panels are so important . . . It’s very interesting, I’ve noted, that many things are said in that panel that would never be said in open court. Which means that gives us a deeper understanding of what is truly going on with that family. (Juvenile Court Judge, Author Interview)

Another asserted:

Yes, there is just so much more information that will come out or . . . suggestions that they may have as community members . . . Different things that as a court we may not know is out there. I think it also empowers the parties . . . As far as the information, as the judge, I'd prefer to have as much information – good, bad, or ugly- to make the right decision because I can only rule based on what is presented. If you only present me half the story and I rule based on the half of the story . . . that probably would have impacted what I did. For me I love [the use of CASAs and citizen panels] . . . because I basically inherited a case load and on the dependency side, these cases have been going on for two or three years. Going through the files and reading the CASA reports and the citizen panel reports and the supplemental orders from panel reviews have been the most helpful things to get me up to speed. The [judicial] orders are really cut and dry – they don't really give you the nitty-gritty of what's really been going on with a family. Because now I'm at the termination of parental rights stage and I really need to get up to speed with what's been going on. So those reports to those two entities are really invaluable to me as a new judge. (Juvenile Court Judge, Author Interview)

As case managers, these “referee-style” juvenile court judges are also efficiency experts, doing whatever they can to help cases be resolved more quickly, more effectively, and/or more fairly (Resnik 1982). For example, one judge detailed how s/he utilized a variety of methods to manage a delinquency case so that it would not lead to a trial.

Say a child paints on someone's property and its criminal trespassing. A complaint would be filed, and it would go to the department of juvenile justice intake process.

They would bring it to court. Lots of courts have arraignments. We [do] not . . . we just would set it down for a trial. We would appoint an attorney for that young person . . . If possible, we would try to divert it out of the system to begin with – we'd send it to mediation, the prosecutor might try to do something different. In court, we might hold it in abeyance . . . we might do probation . . . (Juvenile Court Judge, Author Interview)

As efficiency experts, juvenile court judges only use problem-solving collaborations where there are time savings or reclamation of resources.

We do use citizen panels and we also use the CASAs – court appointed special advocates. They are non-attorneys, volunteers from the community. We do our best to assign a CASA to each case and they always bring viable information. For me, legally, they don't have to come to court X amount of times . . . I actually have to share a courtroom with another judge – so court time is very limited. I really don't have the court-time, space to keep bringing cases back in, so having the CASA involved . . . CASA is going [to visit the child] at least once a month . . . and also, we have the citizen panel reviews. So those are very great, very, very useful to have members from the community volunteer and come in a review cases in between my legally mandated reviews because some cases, one we get past the initial judicial review . . . I'm only going to see them twice a year, in court. So, the citizen panel reviews, they are that in between – quarterly – seeing that family and they fill out their report and a supplemental order is given to me to review. And they may say, "you need to bring this case back in; it's about to fall apart." Or more often than not, "this case is going very well . . . Get the kids back home" . . . and that is great

because we don't even have the courtroom space to bring in the cases as often as I would personally like to and I think it's great to have different sets of eyes to look at it. Citizen panels are informal; there are more things that will come out. People will clam up in front of the judge [but speak up in front of the panel] . . . then that information can get to me . . . Having these additional entities involved, just make sure at least 4 times a month someone is putting eyes on this child and seeing how this child is doing [and] reporting back to the court and if necessary, bring [the case] back in. (Juvenile Court Judge, Author Interview)

In comparison, these judges decline to use problem-solving collaborations where it is perceived that such engagements would be ineffective uses of time.

The judge prior to me abolished the citizen's review panel. When I began the case-load, there were many children in foster care who had never been adjudicated dependent, and my focus had to be on getting those children either returned to their home or adjudicated dependent because legally we could not hold those children without a legal basis . . . My priority for recruitment of volunteers was recruitment of volunteers for our CASA program . . . certainly citizen panels would lessen my workload, but the workload of recruiting, and training, and retaining volunteers, and having a place for volunteers to review the cases is probably a greater burden in terms of labor than it is for me to do the reviews myself. (Juvenile Court Judge, Author Interview)

Manager of Social Welfare/Treatment Team

In comparison, several judges interviewed interpret the policy mandates of the juvenile court system as positioning them as the “leader” of a parent or child’s social welfare and/or treatment team (Boldt and Singer 2006, p. 87; see also Portillo et al, 2013). They view themselves as providing social welfare services to the families who need them.

I think we are much more activist judges than some of the other judges are able to be. We are all relatively new . . . we are all active members of the community. We all have kids in school. We all do a lot of volunteering . . .so we have implemented a lot of programs that are new to our circuit . . . we developed a dual status program a couple of years ago where we try to avoid placing a delinquent youth in DFACs custody at the last minute with no notice or no warnings. Now we have bi-monthly [multi-disciplinary review team] staffing where either a court or probation officer will recommend that that case go to MDRT, and DFACs is at the table, DJJ, probation, guardian ad litem, and they try to give more resources to the family before we get to the point of foster care. So it’s trying to avoid the placement of foster care but if that is where we need to be knowing that we put everything in place possible before we get to that point, and at least at that point, the department knew it was coming and had time to look for a bed in a group home versus having that child stay in a hotel for two weeks because they had no notice that this kid was being looked at for foster care. We are also working on a truancy program . . . We developed a position for a CHINS coordinator, and they run that panel . . . DFACs comes to that as well, the school staff comes. We’re very engaged with our school counselors and try to put as much information at place at the schools to get earlier

intervention for truancy and ungovernable problems. We work closely with our school resource officers to make sure we have good relationships . . . and we all frequently go to churches to speak about the need for more foster homes . . . So we . . . are just very, very active in trying to put more resources in our community and educating our community on the need for volunteers, whether that be foster homes or . . . CASA volunteers or things like that. (Juvenile Court Judge, Author Interview)

Indeed, judges as managers of treatment teams willingly take creative and multi-layered approaches to meet policy goals that focus on treatment, reunification, and rehabilitation. In order to accomplish these goals, judges structure the core functions of the court to ensure the best possible outcomes for families and children.

Rather than acting as a passive fact-finder, standing neutrally between the adversarial positions of a defense attorney versus a prosecutor or parents' attorney versus a special assistant attorney-general (who represents the social welfare agency), a number of judges described to me how they act as if all parties before the court should have the same ultimate goal in mind – improving the lives of children and families (Clark, 2000).

There is some judicial theory that some judges think that we are supposed to just call the “balls and strikes” in the courtroom, if you will. Others believe that the most important work we do, we do it off the bench. And I am one . . . you know, particularly with juvenile court . . . sitting from the bench, all I can do is issue an order. But if everyone is working in the community, working with a child, working with a family that actually puts any substance or meat behind the orders. So working with community partners to make sure we have the resources, the programs, that really can help children, I think is critical to rehabilitating them

which is part of our mission – this court – and I imagine most juvenile courts are courts of rehabilitation. And we cannot do that if we are not addressing the issues that, number one cause children to be either delinquent or dependent and as a judge, my power as a judge to convene community leaders to talk about and address these issues is one of the things that makes our roles unique and demand that we do work off the bench. (Juvenile Court Judge, Author Interview)

These judges seem determined to play a *proactive* rather than neutral or passive role in helping children. As one put it:

It's funny because I just told a prosecutor assigned to my court the other day . . . she's still of that mindset that if four kids commit the same offense [then it should be] the same disposition for each of them. So, I'm like, why do I even have a social history or an intake officer give information about each particular child. I already know what the offense is. If I'm just going to do the same thing for each of them, then I don't need to go any further and delve into their history to determine their needs . . . (Juvenile Court Judge, Author Interview)

While traditional, passive judge might focus solely on punishment or reunification or a proper home placement, for these proactive, managerial judges, the primary focus, in the juvenile court, is on bettering families and promoting more accountable behaviors (Clark, 2000).

I think that what we still need to be better on is better intervention very early on between parents and the resources – the accessors, the DFACs case workers, the treatment facilities, all of those places. It's really hard – I can only imagine how hard it is for a parent who – you don't have a job, you don't have a car, you don't

have a phone – to remember everything that their case manager said they need to do, not lose all that information, especially if they are using and to take it upon themselves to get the treatment that is outlined in their case plans. I mean people really just need someone to hold their hand and for someone to help them do it or they wouldn't be in the position in the first place. So for a lot of America, they are able to do what they need to do to be responsible citizens and have that sort of barometer of "I've gotta get to work every day or I'm gonna lose my job," but because of whatever circumstance that led them to wherever they are – whether that was drugs or being third generation foster care or whatever the situation is that led to their children being in foster care or led their children to being dependent – once they are at that point, it is really a lot to ask for them to do what they need to do to get their kids back . . . For a lot of them, it's really hard - when you don't have a job, you don't have family, you don't have resources, you don't have a car – to expect them to go and do it all themselves and then come back and check-in in three or four months and we'll see how you're doing. (Juvenile Court Judge, Author Interview)

They speak of their job duties or the goals of the court in terms of “we,” meaning not only their staff, but case workers, attorneys, probation officers, sheriff deputies, and community volunteers. A judge used such an all-encompassing “we” in describing to me the juvenile court's role in helping to raise successful children, while another judge used “we” to explain why juvenile courts are different than other courts because everyone works to achieve the same goal. One stated:

. . . we have to remember that, especially with children, they are going to be adults one day, and it's so crucial at this time of their lives that we are putting things in

place to put them on the path to success . . . I just definitely believe that as the court, we're here to intervene and assist and put people on a successful path . . . and really partner with the community . . . so that families feel supported by the community.

(Juvenile Court Judge, Author Interview)

Another stated:

I talk about this quite frequently . . . we are a court of either reunification or rehabilitation. That's what we are working toward. Typically, when you are looking at superior court, there is going to be a winner and a loser. There is going to be punishment involved. In juvenile court, we are not looking at a winner or a loser. We are looking to try to put everyone in position where we are all winners, where we all get where we want to be. We've got everybody working toward a common goal, whereas in other courts, you don't necessarily have that. (Juvenile Court Judge, Author Interview)

Furthermore, for these judges, the principle of *parens patriae* or the idea that they, as the judge, know what is best for children and parents is the guiding norm for deciding what is in the best interest of families and children.

I want to do what I feel is the best thing for each person, each child, each parent - whatever. (Juvenile Court Judge, Author Interview)

In sum, a number of the judges who I interviewed viewed their role as proactive, managerial leaders of their court-room workgroups. They described bringing the workgroup together to work for the best interest of children. They described working to enhance the resources of their court to ensure that the workgroup had the organizational capacity to get the job done.

They described pushing attorneys on both sides of the adversarial divide to abandon their commitments to adversarialism in order to serve the child's best interest. And they described entirely rejecting the traditional role of neutral arbiter and acting frankly as a benevolent advocate on behalf of families.

For these judges, the role of leading a treatment team of a collaborative workgroup seems natural, obvious, and simply required by the mission of the juvenile court.

[Family drug treatment court, in comparison to traditional judicial hearings,] does provide for faster and more long-term reunification. You definitely see results in family treatment court that you don't see in a regular context. My other judges get frustrated because they feel like they never get any good news or never get to hear any good stories or any reunification and their only reunification that started with them and got sent to me. And this is probably a broad overstatement, but reunification just doesn't happen very often and it's because of the lack of engagement by the parents, it's frustrations of not being able to get in touch with DFACs workers. It's that no one is holding their feet to the fire or giving them the assistance to help them or make them stop using, and so you do see a lot of success in family treatment court and when a parent is not successful, you know that you have done everything you possible can and they parents know that too and generally consent to termination if that is where families go if they just cannot get it together. But on the other hand, in dealing with the regular rest of my dependency load, it almost makes it more frustrating when you see parents who aren't doing what they are supposed to do because you know they are people who are capable of making it work. (Juvenile Court Judge, Author Interview)

In fact, the logic of collaboration is often tied to this professional role identity because some judges perceive collaboration as the only way to achieve results.

Neutral Factfinder

Finally, only two juvenile court judges interviewed described themselves using language normally associated with a traditional adversarial process.

I do see myself primarily as a judge and not a social worker and I don't see myself as being sort of the overseer of the child welfare system in [this] county. Some juvenile court judges see themselves in that capacity, and I think there is a difference opinion among juvenile court judges in Georgia about which path or which role is best. But I see myself as a judge just like any other judge in superior court, or probate court, or state court, or any other court . . . In Georgia, what we're dealing with is different since we are dealing primarily with children and their parents. We may take a different kind of approach, a different level of sensitivity than if you were dealing with election cases and driveway easements. It's certainly a different matter, but I still think you have to approach it as a judge and you're applying the law to the facts, and you're not just, even though you're trying to, make the world a better place. You are trying to do that; you are trying to help the families; you are trying to improve the families. But in order to do that, [you must be] within the parameters of the legal system and of the juvenile code and of the applicable rules. (Juvenile Court Judge, Author Interview)

These judges express clear distinctions between their roles and other members of the courtroom workgroup, making it clear that the judge alone represents the authority of the court.

Unlike judges who identify themselves as leaders of treatment/social welfare teams and rarely mention legal procedures, those who categorize themselves as neutral factfinders seem controlled by legal procedures and by their responsibilities as judges to act only within the parameters of the law. As explained by Clark (2000), “the judge is a detached and objective arbiter over the court, concerned with procedures and ‘correct’ application of the law” (p. 39). Many times, they act as “referees,” only interfering with the roles of members of the courtroom workgroup if they absolutely must (Baicker-McKee 2015, p. 382).

In addition, while recognizing the seriousness and delicateness of the cases they review, they are not as emotionally bound to the results.

For me being a juvenile court judge, it's trying . . . it's almost second nature now . . . The skills that I've required is about understanding each role, understanding each position, balance[ing] all of the positions with the goal of the best possible outcome. I'm kind of emotionally detached at this point . . . the frustration part, I don't really – I might feel frustrated procedurally, the way an attorney behaves, if something needed to get done that didn't get done – but not with the people, not with the cases. I mean, they may be sad to me, I may feel bad, but if anything frustrates me, it's the procedure. (Juvenile Court Judge, Author Interview)

Although neutral arbiters may still engage problem-solving collaborations, they only do so because the law allows it.

Conclusion

This chapter established that juvenile court judges, although working at the frontlines, also perform their duties as managers. As a result, they play an important role in determining how to

activate logics within the juvenile court. Depending on whether judges view themselves as case managers, members of treatment teams, or neutral factfinders drives how and why juvenile court judges, as managers, adopt a logic of collaboration.

Chapter 5: Putting it All Together

[The juvenile justice and child welfare systems create a] situation where you must foster a sense of collaboration and teambuilding if you are going to be successful. The court cannot address the many, many troublesome and stubborn issues that exist in both the child welfare and juvenile justice issues by itself. No child welfare agency can address those problems by itself. No juvenile justice agency can address the all the problems and be successful by itself. The government, as you know, is not the answer. It has to be all of us working together. And when I say everybody, I don't just mean all of the agencies involved, but it has to be the participants, the parties, involved in a case with juvenile justice and delinquent children, you have to have the buy-in and participation of parents if you're going to be successful. When children are removed for abuse or neglect reasons, you have to have the buy-in of those parents to work on those issues if you are going to be able to restore that family. (Juvenile Court Judge, Author Interview)

When the Founders drafted the United States Constitution, they never anticipated the creation of a system of government, even within the judiciary, that utilizes such extensive cooperation between public, private, and non-profit organizations and in which public administrators remain the conservators of citizen rights. Indeed, today's administrative state reflects a complex inter-organizational system that is made up of both hierarchies and networks. In its current form, it relies on the credibility of congressional mandates (e.g., congressional grants of authority), legitimation conferred by the courts (judicial oversight, requirements of due process), and surprisingly, the ongoing support of the private and non-profit sectors. Because of the

transformative influences of the Progressive and New Deal eras and the rights revolution, public administrators, including judges must balance increasing demands for ongoing governmental intervention in the social and economic affairs of individuals with the constitutional, statutory, and normative mandates to protect citizen rights (Epp, 2009; Parrish, 1984; Skowronek, 1982).

Furthermore, as a result of the government playing a larger role in the lives of citizens, the role of public administration has invariably expanded. Even judges must struggle with ways of fairly disseminating scarce resources to citizens while upholding the mandates and expectations central to a legal-bureaucratic system.

Klingner and Nalbandian (1998) argue that all members of public administration must balance the values of efficiency, social equity, individual rights, and responsiveness to deal with these emergent issues. Unfortunately, these values are not always compatible with each other, especially when governments face the decision to collaborate with non-governmental actors. As Smith and Lipsky (1993) suggest, one of the most troubling concerns with entrusting third parties with the delivery of traditional public services is whether the connection between citizens and government will become “eroded when private agencies produce public services”(p. 118). Scholars have struggled with determining the best ways to study these issues, including the question of what drives public administrators to engage in collaborative partnerships despite the trade-offs.

Considering this, the findings presented in this dissertation are significant for several reasons. The juvenile court system provides a unique window into how collaborative arrangements may be shaped by the intersection of institutional, field-level, and organizational environments. Specifically, this study explores why juvenile court judges partner with citizen-volunteers, substance abuse treatment providers, mental health treatment providers, educators, and

members of other nonprofit, government, and/or private entities using problem-solving collaborations. In this dissertation, I find that collaboration with third party actors –whether done formally or informally – exists as a “taken-for-granted” way of life for juvenile court judges. Juvenile court judges use problem-solving collaborations as a pragmatic means of “doing what is right” for families and children while constructing their own judicial identities as managers of a type of social services network.

In this concluding chapter, I will summarize and discuss the broader implications of this study. Furthermore, I will discuss the limitations and challenges of conducting this type of study. Finally, I will explore some suggestions for future research.

Summary of Findings

The central thesis of this dissertation is as follows: juvenile court judges use their discretion in their roles as street-level bureaucrats and managers to employ “belief systems [regarding collaboration and/or law] that furnish the guidelines for practical action” in their everyday actions (Rao et al., 2003, p. 796; see also McPherson and Sauder, 2013). Stated more simply, judges view principles of law and collaboration as both providing guidelines for appropriate behavior in their everyday work. In support of this thesis, I offer three key findings: (1) two normative logics exist side-by-side within the juvenile court system: the longstanding logic of law and the newer logic of collaboration; (2) juvenile court judges must contend with these two logics through the dual lenses of street-level bureaucracy theory and managerialism; and (3) juvenile court judges are most likely to accept and adopt a logic of collaboration when they perceive collaboration as necessary to achieve what they believe are the policy goals of the court and when collaboration supports a judge’s conception of his/her own professional identity.

As discussed in Chapter 2 of this dissertation, contemporary scholarship regarding the relationship between collaboration and institutional logics often views collaboration – as an institutional arrangement, network structure, or a process for solving *wicked* problems (see e.g., O’Leary, 2018) – as a means for resolving conflicts on the ground when actors must work in an environment characterized by competing or incongruent logics of action (Greenwood et al, 2017; Reay and Hinings, 2009). Comparatively, a considerable amount of scholarship explores the implications of competing logics within existing cross-sector collaborations (Bryson et al, 2006; McPherson and Sauder, 2013; Saz-Carranza and Longo, 2012; Vurro et al, 2010). However, with notable exception to studies like that by Fan and Zietsma (2017) and others (see e.g., Lawson 2004), the idea that collaboration itself is a logic has been given limited attention by scholars, and even that study can be distinguished from the one focused on here.

Indeed, Fan and Zietsma (2017) explore the emergence of a shared governance logic that developed in the context of a water stewardship council. In their case study, they examine the discrepant logics that exist in a collaborative partnership that was originally created to help manage, albeit, in a mostly advisory fashion, a shared waterway. Significantly, they find that “actors embedded in disparate logics can construct a new logic that governs relationships at the intersection of multiple fields” (p. 2322).

In comparison to the study conducted by Fan and Zietsma (2017), for example, the logic of collaboration is not being explored in this dissertation within the confines of a single problem-solving collaboration. Rather, this study explores how the collaboration logic both shapes and is activated by juvenile court judges in their day-to-day work. Here, we learn why and how juvenile court judges use problem-solving collaborations, which, like the water stewardship council, may eventually form their own logic of shared governance.

The variation in how judges contend with the logic of collaboration versus the logic of law, however, stems from their dual roles as street-level bureaucrats and managers/administrators. As hybridized public service providers, juvenile court judges approach juvenile justice policies from both a top-down and bottom-up approach. From the top-down, juvenile court judges formulate standards within their own courtrooms regarding how legal standards such as the “best interest of the child” will be applied, and they position themselves as “managers and overseers” over the interconnected work being done by members of the courtroom workgroup – court-appointed and private attorneys, prosecutors, case workers, deputies, parole officers – as well as citizen and community partners and volunteers. In this role, judges seek to align practices of different groups with policy objectives (Riccucci et al, 2004).

In contrast, the nature of front-line work also requires judges to wrestle with policy initiatives and mandates from the bottom-up by determining which programs and initiatives will help them best and most easily do their jobs. Although early street-level bureaucracy literature suggested that front-line workers are always motivated by self-interest (e.g., Lipsky, 1980), subsequent studies demonstrate that street-level bureaucrats are not always a homogenous group and often times demonstrate a willingness to provide substantial assistance to citizens even when they are not mandated to do so (Brehm and Gates, 1999; Maynard-Moody and Musheno 2000; 2003; Tummers et al 2015).

As front-line public servants, juvenile court judges position themselves as stewards of limited resources who must cope with working in stressful and often isolated environments while contending with the identities of themselves and the citizens they serve (Lipsky, 2010). Nevertheless, juvenile court judges, as citizen agents, express a view regarding children, particularly in dependency (abuse or neglect) cases, as a vulnerable population both needing and

deserving of care. Although some judges are idealistic in their efforts, most juvenile court judges “present themselves as pragmatists” who balance their desires to do the “right thing” with an understanding of the limitations of reality (Maynard-Moody and Musheno, 2003, p. 23). As one judge put it to me,

I mean I do everything [I can to help children who come before my court]. I use whatever resources I can find. If they are not there, I can't use what I don't have. Like I said, I'm from a small community . . . [but] I'm willing to do anything in this world to help a child do anything they need to do. (Juvenile Court Judge, Author Interview)

The idea that public service providers may simultaneously implement policy in dual roles has been reinforced by Evans (2010) and others. Evans (2010), however, critiqued street-level bureaucracy theory in the context of the oft studied social worker for failing to acknowledge that social welfare managers often view “themselves as social workers who are now in management roles” (p. 382). Like social workers in management roles, judges must work at both the front-lines and in an administrative capacity.

As both street-level bureaucrats and as managers, juvenile court judges also decide whether to accept, reject, and/or blend the logic of collaboration as it relates to the logic of law. As defined in this dissertation, the logic of collaboration is characterized by partnerships, decentralization, and fragmentation with a strong focus on citizen-clients, outcomes, and shared governance. As this dissertation has shown, juvenile judges often rely on these partnerships and collaborative work processes with such disparate actors as professional social workers and members of the lay public simply because they have come to believe that these partnerships and collaborative processes are the best way to get the job done. They have come to believe that these unconventional ways of

doing judicial work are the best way to serve “the best interests of the child,” the reigning legal mandate.

In comparison, the logic of law, the default logic of the judiciary, underscores principles often associated with the logic of the state and focuses on due process, authority, formal rules and principles, hierarchical controls, rights, and duties (McPherson and Sauder, 2013; Meyer et al, 2014). Although the law establishes “the best interests of the child” as the key legal mandate, it also mandates rather elaborate procedures, a host of other substantive rules, and strict hierarchies of legal authority.

How judges respond to and/or initiate the logic of collaboration depends on whether judges believe such logic corresponds with their perceptions of the goals and missions they believe the court should achieve on behalf of vulnerable children and whether judges view such logic as aligning with their professional identities. One of this dissertation’s key observations is that judges do not all agree on whether the logic of collaboration aligns with their professional identity as a judge. Those who believe it does are much more likely to use collaborative processes to carry out their tasks. Those who believe the logic of collaboration is inconsistent with fair procedure and law are much less likely to rely on collaborations. The following Figure 5.1 illustrates this variation among judges.

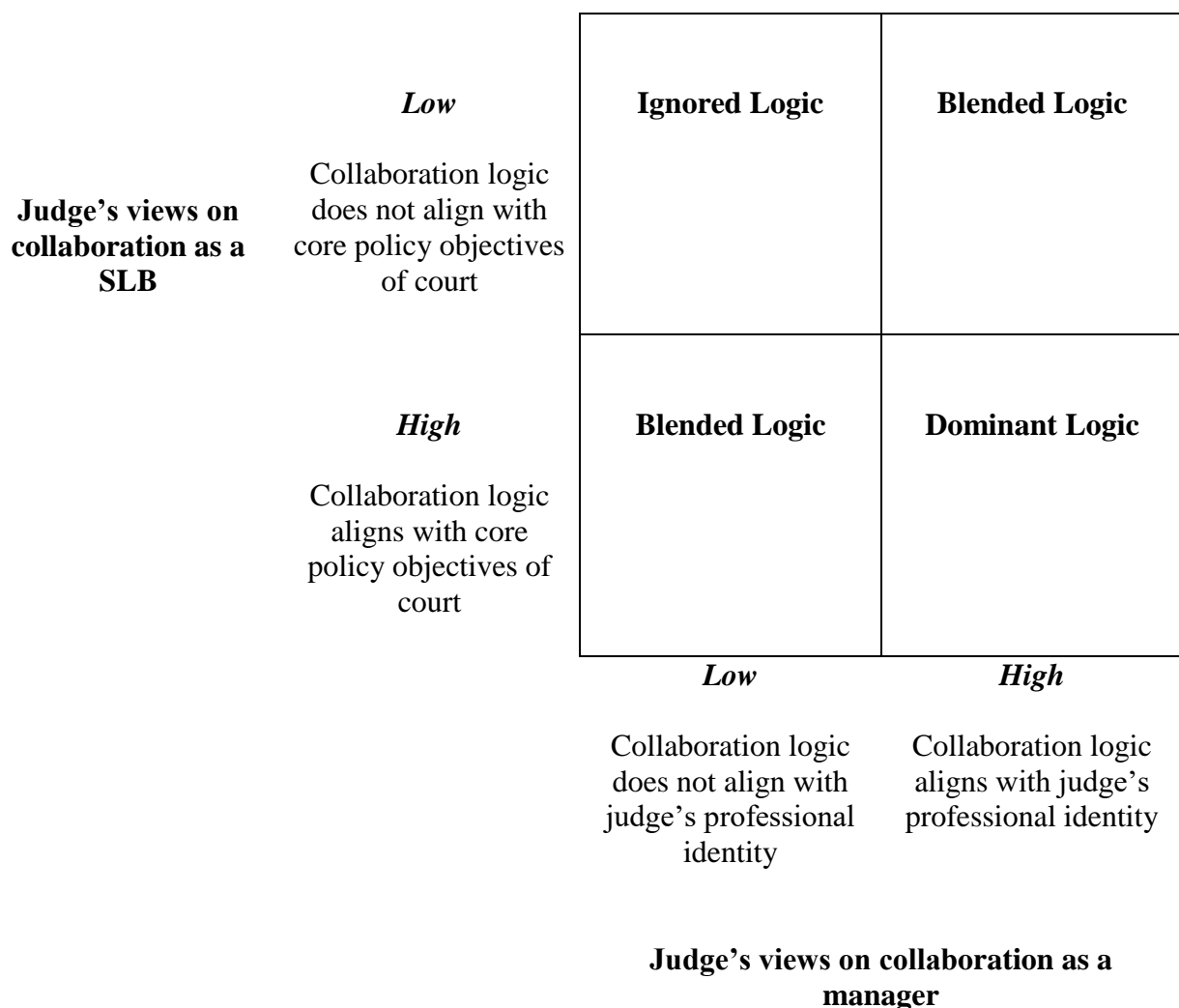


Figure 5.1: Typology for Predicting the Adoption of a Logic of Collaboration in Juvenile Courts¹⁴

As illustrated by Figure 5.1, as an ideal type, a logic of collaboration is only likely to be dominant in a juvenile court where judges view problem-solving collaborations as being central to meeting policy objectives of the juvenile court and if the use of such mechanism supports judges' views of their own professional identities. Consider the following example in the context of dependency cases:

¹⁴ This typology was inspired by Besharov and Smith (2014), Figure 1.

With the dependency side, the important goal is that we are here to strengthen and empower families. You know, the government should not be in the business of raising people's children. You know, as a parent, you have an inherent right to raise your own children and that's why terminating someone's parental rights is like the highest civil penalty – I compare it to the death penalty on the criminal side. So if we're going to try to terminate this parent's relationship, at least put forward every effort and resource to assist this family. (Juvenile Court Judge, Author Interview)

For judges who consider themselves as members or the head of treatment teams, “every effort and resource” includes leveraging community partners and non-governmental actors. For instance, Edwards and Ray (2005), two juvenile court judges who served for over twenty years each and now advocate for the use of drug treatment courts, stated that their success as juvenile court judges depended on their abilities to “develop a system that could assess substance abuse levels, design case plans, and have the resources to engage parents in effective substance abuse treatment.” As judges, they realized that they lacked the appropriate “expertise” to meet the needs of parents and children that were before their courts (pp. 2-3).

In contrast, judges who view collaboration as inconsistent with the legal-bureaucratic process only engage in problem-solving collaborations if legally mandated to do so. According to the typology reflected in Figure 5.1, a logic of collaboration will be ignored where judges perceive collaboration as antithetical to the goals and objectives of the court and where judges express concern that such collaborations will undermine or subvert their authority as judges. Unfortunately, none of the judges interviewed fell into this category.

This dissertation also observed, however, that the majority of juvenile court judges interviewed operate under circumstances in which the logic of collaboration and the logic of law are blended together. In these cases, judges' actions reflect both logics of law and collaboration in a way that provides a "single set of practices, assumptions, values, beliefs, and rules" for individual judges (Besharov and Smith, 2014, p. 366). Indeed, the use of logics as strategic tools may vary over time and according to circumstance (Besharov and Smith, 2014; McPherson and Sauder, 2013). Where the activation of a logic of law and a logic of collaboration is blended or shared, judges may view collaboration as central to the mission of the court's policy objectives but not their identities or vice versa. This multiplicity of logics within the juvenile justice system helps explain, in addition to constraints imposed by lack of resources or access, why some judges, but not others, choose to engage in particular types of problem-solving collaborations but not others.

This blending of logics is illustrated in one example where a judge expressed hesitation regarding the use of citizen review panels but touted the usefulness of community partnerships and family drug treatment courts:

JUDGE: *Sometimes the panels are helpful, but I don't use them as much . . . [I'm] very selective and I ask the parties if they think the panels will help in each case and if they don't think they are helpful, I don't order it.*

INTERVIEWER: *What drives your decision to use the [citizen review] panel sparingly?*

JUDGE: *I've had at least one situation that was brought to my attention. Well, I have concerns about diversity on the panel – and not just racial or ethnic diversity, but also socio-economic diversity. Sometimes it's just reading the reports – it seems to me that they look at it from very – from a lens that is not always reflective*

of how people outside of their own reality live or function well . . . Case in point, a child can't go home because there is only two bedrooms and five kids. Well, hey, I know a lot of people that live that way. That was the problem. . . But also, I've had a case where a relative placement resource went to the panel and she felt like she was disrespected . . . The [person] wrote a letter to me and I had a hearing and the panel members came . . . but what struck me was that . . . [did not understand] that that was insensitive . . .

INTERVIEWER: *Have you found that citizen panels aid in your ability to glean more info about cases . . .?*

JUDGE: *Sometimes. And a lot of times, it's just because of the timing. Here in [our state], we have to have permanency reviews every six months – at least 90 days after the first six months – so if I use the panel, that usually happens within halfway between each review hearing. So a lot of times it's just about getting more up to date information in between each – getting an update – in between each permanency hearing. I don't know that it is helpful getting information I would not have obtained at a hearing by asking the same questions which I typically do. So, on the cases where I don't have a panel, I just have a hearing . . . I won't wait six months. . . It's just the timing of getting more information in between hearings.*

(Juvenile Court Judge, Author Interview)

In comparison, when asked what mechanisms the court uses to accomplish policy goals, the same judge provided the following response:

JUDGE: *We have a family dependency treatment court . . . and I know they collaborate with treatment providers . . . We've been collaborating with community*

partners to open . . . [a multi-agency resource center] . . . so that [children and parents] don't have to come to court . . . because I think that leaves a lot of low risk children being referred to juvenile court because there is nowhere else [for them to be helped]. (Juvenile Court Judge, Author Interview)

In this interview, it is clear that the judge viewed some collaborative efforts, such as the use of a family drug treatment court, as being necessary to achieve the goals and objectives of the court. However, this judge also expressed concern about the use of collaborations that undermined the legitimacy and perceptions of neutrality of the court. Furthermore, s/he expressed a view that implied that collaborations could unnecessarily duplicate the role and identity of the judge as factfinder.

In another example, a judge who utilizes citizen review panels in his/her court explained that s/he likes using citizen review panels but believes that such collaborations undermine his/her professional role identity.

INTERVIEWER: *What is the downside to using the citizen review panel?*

JUDGE: *It's a complicated system, and the cases where kids remain in care long enough to start being reviewed by citizen panels are not the easy ones. They – I don't think the agency in particular approaches citizen panel reviews with the same sense of urgency that they approach judicial reviews. Not that they are all urgent when they are coming before me, but . . . sometimes when you are doing these reviews, issues come up, and really the judge's main job is to say, "why the hell can't you do that? This is kind of ridiculous." And I think citizen panels are less likely to take a strong stance on these things . . . Any collaborative process like that*

– the panel members meet the SAAGs, the panel members meet the workers, time and time and again. There’s more of a “ok, things are going fine.” That’s not to say that I don’t get a report from them that says, “ok, this is going on too long . . .” That does happen, but most of the time it’s just kind of, ok, check the box and move on to the next one . . . Sometimes you get a panel that really digs in and does a thoughtful job, but a lot of the times they don’t . . . I don’t mind delegating and I’m not a micro-manager, but it’s never lost on me that my name goes on these cases, and if something blows up, I’m the guy who is driving the train. I have no problem delegating the work and I understand that I need help doing the work, but oversight, under the statutory framework, oversight is what I’m charged with by law, and I feel a little like I’m shirking my job if I turn the oversight function to someone else and I’m just signing. It adds another layer of management . . . it adds another layer between myself and what I’m responsible for supervising . . . I use them, I like them, and I need them, but I’d rather not. (Juvenile Court Judge, Author Interview)

Significantly, the idea that judges subscribe to a logic of collaboration, even in conjunction with a logic of law, is consistent with both public-service motivation theory and the rational choice theory (Hill and Lynn, 2003; Meyer, et al., 2014; Perry, 2000). The public service motivation (PSM) theory suggests that “some public employees are strongly motivated to serve others and protect the public interest” (Brewer and Brewer, 2011, p. i354). Generally, there are three expectations connected with PSM: (1) the higher an individual’s PSM, the more likely the individual will work at a public institution; (2) in public institutions, the higher the PSM level of

employees, the better the organizational performance; and (3) public employees are more likely to value intrinsic rewards (Kim, 2009; Perry and Wise, 1990). Although PSM was initiated as a government-related theory, it has been applied to nonprofit organizations and private entities as well (Brewer and Brewer, 2011; Moulton and Feeney, 2011; Word and Carpenter, 2013).

Perry and Wise (1990), who are credited with introducing the theory, define public service motivation as “an individual’s predisposition to respond to motives grounded primarily or uniquely in public institutions and organizations” (p. 368). One major implication of this definition is “that the concepts of work motivation and performance are somewhat different in the public sector” (Brewer and Brewer, 2011, p. i354). Other scholars define PSM as “the motivational force that induces individuals to perform meaningful . . . public, community and social service” (Brewer and Selden, 1998, p. 417) or as “the general, altruistic motivation to serve the interests of a community of people, a state, a nation or humankind” (Rainey and Steinbauer, 1999, p. 20).

Since Perry and Wise (1990) published their seminal article on PSM, several scholars have posited ways to measure public service motivation. According to Perry (1996), motives that are grounded in public organizations can be divided into three categories – rational, norm-based, and affective. Rational motives, for example, are those that seek utility maximization, and public employees are thought to be drawn to government work due to an “attraction to public policy making.” In comparison, norm-based motives “refer to actions generated by efforts to conform to norms” and may include a “commitment to the public interest” and a desire to promote “social equity/social justice” (Perry, 1996, p. 6). Finally, affective motives reflect emotion responses to circumstances, and public employees may genuinely feel that they have a “civic duty” to serve the public or they may act out of “compassion or self-sacrifice” (Perry, 1996, p. 6).

A few studies relying on PSM as the theoretical framework have found important links between PSM and the treatment of citizen-clients. In one study, for example, Choi (2004) found that “individuals in the public sector tend to have different motives from those in the private sector” (p. 102). His research found that these individuals are more likely to “display characteristics that fulfill justice, fairness, equity, and public interest” (Choi, 2004, p. 102). Similarly, Rainey (1997) concluded that public employees demonstrate higher levels of altruism in comparison to private employees when helping others or society.

In the context of judges, the public service motivation theory ultimately suggests that judges will act in a way that they believe best serves the citizenry and upholds the public interest. Whether judges enact a logic of law or collaboration in order to do so depends on how judges view their roles and the availability of partners to best address the societal issues the court has been charged to solve.

In contrast, the rational choice model presents a theory in which public servants make choices in service delivery based on the “principle of utility maximization.” The idea is that public administrators, including judges, only act where the benefits outweigh the costs (Perry, 2000). Nevertheless, a few scholars argue that the expression of altruism is an act of self-interest. In the context of problem-solving collaborations, many judges likely use them because they make their jobs easier (Hay, 2004).

Regarding studies such as this one, it is often important to consider whether other theoretical lens would support similar expectations. Here, theories such as public service motivation also suggest that judges would collaborate in order to meet the goals of the court.

Broader Implications

This type of study has important implications for future research in the areas of collaborative governance theory and street-level bureaucracy theory, and it aids how we think of the role of law versus public management in the context of contemporary public administration. Of interest to collaborative governance scholars is understanding why public managers and public employees decide to collaborate. Although collaboration is widely viewed as a necessary strategic tool to solve society's many *wicked problems*, very little is known regarding why public managers choose certain types of collaborations over others. Indeed, scholars study collaboration forms – whether public employees will engage in informal partnerships to formalized contractual relationships – in a disparate manner. Very few studies, other than those examining ideal types of collaborations, address why some collaborative forms are favored by individual public managers over other types.

Moreover, this dissertation adds to the variety of ways scholars can define and conceive of collaboration. In most instances, collaboration is defined in terms of the participants (e.g., state agents engaging non-state agents), the process (e.g., how collaborations evolve over time or how information is shared), the structure (e.g., the setting and type of collaboration), or the sought outcomes (e.g., implementation of policy) (Bryson et al, 2015, 2006; O'Leary, 2018; O'Leary and Vij, 2012; Wood and Gray, 1991). Here, collaboration is defined as a norm, a collective belief system, or a set of rules that prescribe behavior and dictate appropriateness of action (e.g., Chiarello, 2013; Thornton and Ocasio, 1999). By conceptualizing collaboration as a logic, while done before but to a limited extent, scholars can better understand why some public managers and employees are more predisposed to collaborate than others.

This also dissertation contributes to our understanding of how highly professionalized front-line employees may be dually situated as street-level bureaucrats and in managerial or manager-like roles (e.g., Kras et al, 2017; Evans, 2010). Like front-line supervisors working in a correctional institutional setting, juvenile court judges operate in a ‘hybrid street-level/managerial role’ where they “act as a conduit for policy by also immensely impact[] the way policy is practiced” (Kras et al, 2012, p. 221).

However, unlike other front-line managers, juvenile court judges are not best described as mid-level managers. Even where they supervise a staff, their front-line encounters with citizens are separate and distinct from the encounters had by subordinates. Much like in the case of pharmacists, public attorneys, physicians, and other professionals (e.g., Chiarello, 2015), juvenile court judges work under very different conditions and have significantly different responsibilities in regard to policy and handing out sanctions/benefits than those, if anyone, who work for them. This study acknowledges that the role of street-level bureaucrat and manager are not always mutually exclusive (see Evans 2010) and this could have an impact on how we study and think about street-level bureaucracy theory.

This study also positions front-line workers as institutional agents. In their well-respected work, Maynard-Moody and Musheno (2003; 2000) argue that the way to understanding the decision making processes of street-level bureaucrats and why there may be differences between *policy as it is written* and *policy as it is practiced* on the front-lines is to determine how and why front-line workers use their discretion when interacting with citizen-clients. There, they assert that street-level bureaucrats detail stories in which they operate as both state-agents and citizen-agents when delivering services to citizens. As a result, Maynard-Moody and Musheno (2000) posit that front-line workers negotiate not only the relationship that they have as agents of the state, but they

also use their discretion to make judgments about how and whether to follow the “plans and policies [of the state]” based on the nature of the encounters that they have with citizen-clients regarding their circumstances (p. 337; p. 348).

Furthermore, Maynard-Moody and Musheno (2000) aptly identify that “discretion is both rule and identity-bound, tied to both formal laws and policies and to how workers co-construct their clients’ identities and their own” (cited by Chiarello 2015, p. 92). As a result, there are often meaningful differences, even among frontline employees performing substantially similar work, regarding how SLBs interpret their duties and responsibilities and which mechanisms they choose to produce outcomes for citizens. Indeed, patterns of front-line behavior is best understood by how street-level bureaucrats use and respond to the rules and policies of the government, but also by how they negotiate and respond to routines, practices, and norms that exist within the institutional spheres in which they reside (Chiarello, 2015; Powell and DiMaggio, 1991).

Lastly, this study adds to the limited literature on the role of judges as street-level bureaucrats. The most comprehensive study on judges as SLBs to date is a study comparing French and Canadian courts by Biland and Steinmeitz (2017). There, the authors noted that judges in substantially similar roles are not necessarily categorized the same – as managers or frontline employees – based on their ability to control and delegate the number of frontline citizen encounters. Like Kras et al (2012), in this study, we learn that judges also vary in terms of how they categorize themselves through the stories they tell. Many judges view themselves as working at the frontline, contending with policy objectives that they do not always agree with (Lipsky 2010). For example, one judge stated:

Ma’am, I have a lot of discretion in what I do. I try to do the best I know how. I’ll be the first one to admit - Have I ever made a ‘right’ decision. Probably not? But

it fit my own particular moral compass so that I am trying to do the best that I can for a particular child. I'm human. I'm just like everybody else. I make mistakes. It is what it is. (Juvenile Court Judge, Author Interview)

They often also describe themselves as managers, “interested in achieving results consistent with agency objectives” and “concerned with performance” (Lipsky 2010, pp. 18-19).

I'm the accountability person. That's how I see my role. I can't provide the therapy; I can't take care of the housing; I can't go out and get the clothes and that stuff. But the power of the pen – ok I'm putting in my order that this [particular action] needs to happen in x number of days . . . The bench has to be strong. If we're kind of lackadaisical . . . [saying] “oh well, it's been a month and [the child's] Baby Can't Wait assessment hasn't happened” . . . we've gotta to be firm in holding all the entities that are involved accountable. That's where we are – to monitor and oversee and make our orders specific . . . (Juvenile Court Judge, Author Interview)

As is the case with the state agent versus citizen agent narrative, it matters how judges, and other professional public employees, view themselves in order to understand why and how they act.

Finally, this study briefly reminds scholars of public administration that there are potential tradeoffs that this field makes by privileging management-based concepts over law-related principles. The management versus law debate has been one of the most important intellectual struggles to characterize the public administration intellectual landscape (Christensen et al 2011; Lynn 2009). As noted in Chapters 1 and 2, principles like collaboration give attention to issues of performance as a means of promoting a well-functioning government. However, by failing to address the trade-offs of law-based norms such as due process, equal protection, and transparency,

public administrators potentially “neglect the broader issues of democratic governance” that are inherently at risk in an increasingly “hollow state” (Rosenbloom and Piotrowski, 2005, p. 104).

Limitations of Study

Despite the contributions to scholarship, there are two key limitations to this study. First, the generalizability of this study is limited regarding other types of judges and outside of the courtroom setting because I focused on juvenile court judges in one state and because the number of interviews conducted were comparatively minimal. While the focus on one state provided a useful control for external factors that might influence the decision-making of judges, future studies in this area would benefit from an expansion to multiple states. Furthermore, lack of access prohibited me from interviewing more judges.

Second this study is limited by the sole reliance on qualitative methods. A future study that includes quantitative methods or a mixed-methods approach may provide a better means to confirm patterns found in previous studies, adding to the legitimacy and credibility of my findings.

Implications for Future Research

Nevertheless, there are strong implications for future research in this area. Two key research questions come to mind.

Research question #1: Does the use of problem-solving courts change how court-appointed attorneys do their jobs?

In the context of problem-solving collaborations or courts, the “dramatic change in [a] judge’s role from passive arbiter to hands on treatment monitor drastically affect[s] the courtroom dynamic for all parties in the system” (Quinn, 2000, p. 44). Indeed, in many ways, attorneys who normally maintain an adversarial position with the court become pseudo-agents of the court as members of a collective treatment team. In this role, they are encouraged “not to intervene actively between

the judge and [clients]” (p. 47). I argue that the door is open for a research study seeking to understand what factors influence attorneys to act as members of a courtroom treatment team versus adversarial advocates.

Research question #2: Whether and under what circumstances do problem-solving collaborations in the juvenile court produce public values that are commonly associated with judicial norms?

As stated in Chapter 1, effectiveness is sometimes measured as the production of public values. Reliance on neo-institutional theory, particularly the theory regarding isomorphic pressure, and Bozeman’s (2002; 2007) conception of public values are useful here. Bozeman (2007; 2002) defines public values as those commonly held by society regarding “(a) the rights, benefits, and prerogatives to which citizens should (and should not) be entitled; (b) the obligations of citizens to society, the state, and one another; and (c) the principles on which governments and policies should be based” (p. 13). Although there is debate over how to best define public values (Berman and West, 2011; Bozeman, 2007; Moore, 1995; Reynaers, 2014), this concept encompasses values “that give organizations their distinctive public purposes, such as commitment to accountability, openness, inclusiveness (stakeholder participation), equity, and the pursuit of community and public benefits” (Berman and West, 2011, p. 44). Therefore, the public values framework is useful for operationalizing the tension between the traditional judicial values such as the rule of law and due process and other values produced by problem-solving collaborations.

Whether problem-solving collaborations produce the public values associated with courts, or judicial norms, is likely to be shaped by the institutional environment of such collaborations and the isomorphic pressures that exist within that environment. Isomorphic transformations result when organizations, needing legitimacy for the sake of survival, are shaped by external and internal

pressures that cause organizations to move toward homogeneity (DiMaggio and Powell, 1983). In the context of problem-solving collaborations, members face isomorphic pressures that include “normative, legal, and regulatory” elements (Bryson, et al, 2006, p. 45). However, “not all [isomorphic] pressures are equally important” and not all isomorphic pressures arise from the same source (D’Aunno, et al, 1991, p. 642). In the context of problem-solving collaborations, members must respond to such competing and often conflicting pressures arising out a number of organizational environments (e.g., juvenile courts systems, mental health service provision, and child welfare service provision). Although scholars have long viewed government agencies as compelling drivers of institutionalization in private and non-profit firms (Frumkin and Galaskiewicz, 2004)¹⁵, whether juvenile courts drive the production of certain public values in the context of problem-solving collaborations depends on how these collaborations respond to the collection of environmental pressures. This is because members of collaborative arrangements must contend with conflicting rules and practices that prescribe behavior arising from both the institution in which the juvenile justice system resides as well as other institutions comprising mental health treatment and social services for example (see Chiarello, 2015). Stated differently, “participants in a collaborative process bring with them various institutional affiliations and the institutionalized rules and resources that this implies” (Phillips, et al, 2000, p. 29).

Conclusion

The study of collaboration in the juvenile justice system provides a useful case study for understanding whether collaboration is an imperative. It highlights the rationales of why traditional bureaucratic agencies engage collaborative partners to provide services for citizen

¹⁵ “Through regulation, accrediting, oversight, and funding relationships, public sector organizations have been described as forces pushing nonprofits and business firms toward greater levels of homogeneity” (Frumkin and Galaskiewicz, 2004, p. 284).

clients. This study also demonstrates why both front-line service providers and managers favor certain collaborative types more than others. To support this assertion, I developed a useful typology for predicting when juvenile court judges will engage problem-solving collaborations in their courts. Similar typologies may be used in other circumstances where a logic of collaboration has emerged.

More importantly, this study contributes to our understanding that individuals working within organizations may choose certain logics over others in order to promote organizational goals or particular outcomes (e.g., McPherson and Sauder, 2013). In the case of juvenile court judges, where the policy goals of the court are broad, often altruistic in nature, and complex, judges may view the logic of law as insufficient to accomplish the court's goals.

References

- About Juvenile Court Improvement Program (n.d.) North Carolina Judicial Branch. Retrieved July 15, 2019 from <https://www.nccourts.gov/programs/juvenile-court-improvement-program/about-juvenile-court-improvement-program>.
- About Juvenile Justice Reform in Georgia (2016). A summary of legislative reforms from 2013-2016. Retrieved from https://gaappleseed.org/media/AboutJuvenileJusticeReform_JUSTGAINstitute_08june2016--1-.pdf.
- About the Family Court Project (2019). Indiana Judicial Branch. Retrieved from <https://www.in.gov/judiciary/family-court/3499.htm>.
- Agranoff, R. (2007). *Managing within networks: Adding value to public organizations*. Georgetown University Press.
- Agranoff, R., & McGuire, M. (2003). Inside the matrix: Integrating the paradigms of intergovernmental and network management. *International Journal of Public Administration*, 26(12), 1401-1422.
- Alabama Judicial System (2018). Retrieved July 2019 from <http://judicial.alabama.gov/Home/Index>.
- Albrecht, K. (2018). Institutional logics and accountability: Advancing an integrated framework in nonprofit-public partnerships. *Journal of Public and Nonprofit Affairs*, 4(3), 284-305.
- Amsler, L.B. (2016). Collaborative governance: Integrating management, politics, and law. *Public Administration Review*, 76(5), 700-711.
- Amsler, L.B. and O'Leary, R. (2017). Collaborative public management and systems thinking. *International Journal of Public Sector Management*, 30(6-7), 626-639.
- Annual Report (2018). Juvenile Court of Clayton County, Georgia. Retrieved from <https://www.claytoncountygga.gov/home/showdocument?id=154>.
- Ansell, C. & Gash, A. (2008). Collaborative governance in theory and practice. *Journal of Public Administration Research and Theory*, 18(4), 543-571.
- Arkansas Juvenile Division Courts (2012-2015). Retrieved July 15, 2019 from <https://www.arjdc.org/>.
- Baicker-McKee, S. (2015). Reconceptualizing managerial judges. *The American University Law Review*, 65(2), 353-397.
- Bardach, E. (1998). *Getting agencies to work together: The practice and theory of managerial craftsmanship*. Brookings Institution Press.

- Bastedo, M.N. (2009). Convergent institutional logics in public higher education: state policy-making and governing board activism. *The Review of Higher Education*, 32(2), 209-234.
- Battilana, J. and Dorado, S. (2010). Building sustainable hybrid organizations: The case of commercial microfinance organizations. *Academy of Management Journal*, 53(6), 1419-1440.
- Baum, L. (2011). *Specializing the Courts*. Chicago: University of Chicago Press.
- Belton, W.C., Dubale, S.G., Hall, R.E., Hill, S.N., Johnson, D.R., Lovette, Jr., W.J., McKinnon, M.K., Vaughan, N.N., Waldman, R.J., and Williams, T.L. (2013). Georgia's juvenile code: New law for the New Year. *Georgia Bar Journal*, 19(4), 13-18. Retrieved from <https://www.gabar.org/newsandpublications/georgiabarjournal/loader.cfm?csModule=security/getfile&pageID=29888>.
- Benish, A. & Maron, A. (2016). Infusing public law into privatized welfare: Lawyers, Economists, and the competing logics of administrative reform. *Law and Society*, 50(4), 953-984.
- Berman, E.M. & West, J.P. (2011). Public values in special districts: A survey of managerial commitment. *Public Administration Review*, 72(1), pp. 43-54.
- Berman, G. & Feinblatt, J. (2001). Problem-solving courts: A brief primer. *Law and Policy*, 23, pp. 125-140.
- Besharov, M.L. & Smith, W.K. (2014). Multiple institutional logics in organizations: Explaining their varied nature and implications. *Academy of Management Review*, 39(3), 364-381.
- Bevort, F., & Suddaby, R. (2016). Scripting professional identities: How individuals make sense of contradictory institutional logics. *Journal of Professions and Organization*, 3(1), 17-38.
- Biland, E. & Steinmetz, H. (2017). Are judges street-level bureaucrats? Evidence from French and Canadian family courts. *Law & Social Inquiry*, 42(2), 298-324.
- Binard, J. (2000). Enhancing the mental health and well-being of infants, children, and youth in the juvenile and family courts: A judicial challenge positions paper. *Juvenile and Family Court Journal*, 51, pp. 47-53.
- Binder, A. (2007). For the love of money: Organizations' creative responses to multiple environmental logics. *Theory and Science*, 36(6), 547-571.
- Bingham, L.B., Nabatchi, T., & O'Leary, R. (2005). The new governance: Practices and processes for stakeholder and citizen participation in the work of government. *Public Administration Review*, 65(50), 547-558.
- Bingham, L.B. and O'Leary, R. (2011). Federalist No. 51: Is the past relevant to today's collaborative public management? *Public Administration Review*, 71(s1), s78-82.
- Blank, S. (2015). Georgia child welfare reform council final report to the governor. Retrieved from

- https://www.gabar.org/committeesprogramssections/sections/childprotectionandadvocacy/upload/2015_child_welfare_reform_final.pdf.
- Blank, S. (2015). Georgia child welfare reform council appendix. Retrieved from https://nathandeal.georgia.gov/sites/nathandeal.georgia.gov/files/related_files/document/Child%20Welfare%20Reform%20Council%20Report%20Appendix%20FINAL.pdf.
- Boldt, R. and Singer, J. (2006). Juristocracy in the trenches: Problem-solving judges and therapeutic jurisprudence in drug treatment courts and unified family courts. *Maryland Law Review*, 65, pp. 82-99.
- Bonnie, R.J., Johnson, R.L., Chemers, B.M., and Schuck, J. (2013). *Reforming juvenile justice: A developmental approach*. Washington, D.C.: National Academies Press.
- Bozeman, B. (2002). Public-value failure: When efficient markets may not do. *Public Administration Review*, 62(2), pp. 145-161.
- Bozeman, B. (2007). *Public values and public interest: Counterbalancing economic individualism*. Washington, D.C: Georgetown University Press.
- Brandl, J. & Bullinger, B. (2016). Individuals' considerations when responding to competing logics: Insights from identity control theory. *Journal of Management Inquiry*, 76(2), 181-192.
- Brandsma, G.J., & Schillemans, T. (2012). The accountability cube: Measuring accountability. *Journal of Public Administration Research and Theory*, 23(4), 953-975.
- Brehm, J.O. & Gates, S. (1999). *Working, shirking, and sabotage: Bureaucratic response to a democratic public*. University of Michigan Press.
- Brewer, G.A. & Brewer, Jr., G.A. (2011). Parsing public/private differences in work motivation and performance: An experimental study. *Journal of Public Administration Research and Theory*, 21(suppl 3), i347-i362.
- Brewer, G.A. & Selden, S.C. (1998). Whistle blowers in the federal civil service: New evidence of public service ethic. *Journal of Public Administration Research and Theory*, 8(3), 413-439.
- Brewer, R., Goble, G., & Guy, P. (2011). A peach of a telehealth program: Georgia connects rural communities to better healthcare. *Perspectives in Health Information Management/AHIMA, American Health Information Management Association*, 8 (Winter)
- Brodkin, E.Z. (1997). Inside the welfare contract: Discretion and accountability in state welfare administration. *Social Service Review*, 71(1), pp. 1-30.

- Brown, T.L., Potoski, M., and Van Slyke, D.M. (2006). Managing public service contracts: Aligning values, institutions, and markets. *Public Administration Review*, 323-331.
- Bryson, J.M., Crosby, B.C. & Stone, M.M. (2006). The design and implementation of cross-sector collaborations: Propositions from the literature. *Public Administration Review*, 66, 44-55.
- Bryson, J.M., Crosby, B.C., & Stone, M.M. (2015). Designing and implementing cross-sector collaborations: Needed and challenging. *Public Administration Review*, 75(5), 647-663.
- Carson, E., Chung, D. & Evans, T. (2015). Complexities of discretion in social services in the third sector. *European Journal of Social Work*, 18(2), 167-184.
- Carter, M. & Widner, K. (2008). A child's right to counsel in juvenile court proceedings. *Barton Child Law and Policy Center*. Retrieved from http://bartoncenter.net/uploads/fall2011updates/juv_code_rewrite/CarterWidnerChildRight2Counsel.pdf.
- Casey, T. (2004). When good intentions are not enough: Problem-solving courts and the impending crisis of legitimacy. *SMUL Rev.*, 57, 1459.
- Cauthen, A. (2014). Volunteer panel aids DFCS children. *The Champion*. Retrieved from <http://thechampionnewspaper.com/news/local/volunteer-panel-aids-dfcs-children>.
- Chan, H.S. & Rosenbloom, D.H. (2010). Four challenges to accountability in contemporary public administration: Lessons from the United States and China. *Administration & Society*, 42(s1), 11s-33s.
- Charmaz, K. (2000). Grounded theory: Objectivist and constructivist methods. In N.K. Denzin & Y.S. Lincoln (Eds). *Handbook of qualitative research* (2nd Ed.) pp.509-535. Thousand Oaks, CA: Sage
- Chayes, A. (1976). The role of judges in public law litigation. *Harv. L. Rev.*, 89, 1281.
- Child Welfare Reform Council official minutes, Meeting No. 1 (May 1, 2014). Retrieved July 2019 from <https://nathandeal.georgia.gov/meeting-1-may-1-2014-0>.
- Chiarello, E. (2015). The war on drugs comes to the pharmacy counter: Frontline work in the shadows of discrepant institutional logics. *Law and Social Inquiry*, 40(1), 86-122.
- Child Abuse and Neglect (2019). Maryland Courts. Retrieved July 2019 from <https://www.courts.state.md.us/legalhelp/childabuseneglect>.

- Child Placement Review/Child Placement Advisory Council (2018). New Jersey Courts. Retrieved July 2009 from <https://njcourts.gov/public/volunteer/program/cpr.html?lang=eng>.
- Children in Need of Services, O.C.G.A. § 15-11-380 (2013)
- Child Welfare Court Improvement Project (2019). New York State Unified Court System. Retrieved July 2019 from <http://ww2.nycourts.gov/IP/cwcip/index.shtml>.
- Choi, D.L. (2004). Public service motivation and ethical conduct. *International Review of Public Administration*, 8(2), 99-106.
- Christensen, R.K., Goerdel, H.T., & Nicholson-Crotty, S. (2011). Management, law, and the pursuit of the public good in public administration. *Journal of Public Administration Research and Theory*, 21(suppl 1), pp. i125-i140.
- Chuang, E. and Wells, R. (2010). The Role of inter-agency collaboration in facilitating receipt of behavioral health services for youth involved with child welfare and juvenile justice. *Children and Youth Services Review*, 32(12), 1814-1822.
- Chun, Y.H. & Rainey, H.G. (2005). Goal ambiguity in US federal agencies. *Journal of Public Administration Research and Theory*, 15(1), 1-30.
- Citizen Review Board: Oregon's Foster Care Review Program (n.d.). Oregon Courts. Retrieved July 2019 from <https://www.courts.oregon.gov/programs/crb/Pages/default.aspx>
- Citizen Review Board (CRB) Program (2007). Kansas Judicial Branch. Retrieved July 2019 from <http://www.kscourts.org/programs/CRB.asp>.
- Citizen Panel Reviews, O.C.G.A. § 15-11-217 (2013).
- CJCJ Programs (2019). Retrieved from https://georgiacourts.gov/wp-content/uploads/2019/07/CJCJ_Programs.pdf.
- Clark, Michael D. (2000). The Juvenile Drug Court Judge and Lawyer: Four Common Mistakes in Treating Drug Court Adolescents. *Juvenile and Family Court Journal*, 51(4), 37-46.
- Court Designated Workers (n.d.). Kentucky Court of Justice. Retrieved July 2019 from <https://courts.ky.gov/aoc/familyjuvenile/Pages/CDW.aspx>.
- Cohen, S. & Eimicke, W. (2008). The responsible contract manager: Protecting the public interest in an outsourced world. Georgetown University Press: Washington, D.C.
- Cohen-Charash, Y. & Spector, P.E. (2001). The role of justice in organizations: A meta-analysis. *Organizational behavior and human decision processes*, 86(2), 278-321.
- Collaborative Justice Courts. (n.d.). California Judicial Branch. Retrieved July 15, 2019 from <http://www.courts.ca.gov/programs-collabjustice.htm>.

- Collins-Camargo, C., Jones, B.L., & Krusich, S. (2009). What do we know about strategies for involving citizens in public child welfare: A review of recent literature and implications for policy, practice, and future research. *Journal of Public Child Welfare*, 3(3), 287-304.
- Committee on Juvenile Courts (2019). Arizona Judicial Branch. Retrieved July 2019 from <https://www.azcourts.gov/jjsd/Committee-on-Juvenile-Courts>.
- Cooper, P.J. (2003). *Governing by contract: Challenges and opportunities for public managers*. Washington, D.C.: CQ Press.
- Court Improvement Program/Dependency and Neglect (n.d.) Colorado Judicial Branch. Retrieved July 20, 2019 from <https://www.courts.state.co.us/Administration/Section.cfm?Section=jp3ctimpdn>.
- Court Initiatives (2015). New York State Unified Court System. Retrieved July 15, 2019 from <https://www.nycourts.gov/ip/juvenile-justice/courtinitiatives.shtml>.
- Court Programs: Children's Court Improvement Program (n.d.). Wisconsin Courts. Retrieved July 15, 2019 from <https://www.wicourts.gov/courts/programs/ccip.htm>.
- Criminal Justice Coordinating Council: Grants and Policy Division (n.d.). Detention of Status Offenders/Children in Need of Services (CHINS). Retrieved from https://cjcc.georgia.gov/sites/cjcc.georgia.gov/files/related_files/site_page/Status%20offenders%20Info%20Sheet.pdf.
- Currie, G. and Spyridonidis, D. (2016). Interpretation of multiple institutional logics on the ground: Actors' position, their agency and situational constraints in professionalized contexts. *Organization Studies*, 37(1), 77-97.
- D'Aunno, T., Sutton, R.I., & Price, R.H. (1991). Isomorphism and external support in conflicting institutional environments: A study of drug abuse treatment units. *Academy of management journal*, 34(3), 636-661.
- Deal: Council will work to reform child welfare system (2014). Press release. Child Welfare Reform Council. Retrieved from <https://nathandeal.georgia.gov/press-releases/2014-03-13/deal-council-will-work-reform-child-welfare-system>.
- Deal names Child Welfare Reform Council members (2014). Press release. Child Welfare Reform Council. Retrieved from <https://nathandeal.georgia.gov/press-releases/2014-04-02/deal-names-child-welfare-reform-council-members>.
- Deephouse, D.L. (1996). Does isomorphism legitimate? *The Academy of Management Journal*, 39(4), 1024-1039.
- Deephouse, D.L., & Carter, S.M. (2005). An examination of differences between organizational legitimacy and organizational reputation. *Journal of management studies*, 42(2), 329-360.
- Delinquency, O.C.G.A § 15-11-470 (2013)
- Denhardt, R.B. & Denhardt, J.V. (2000). The new public service: Serving rather than steering. *Public Administration Review*, 60(6), 549-559.

- Dependency (2018). Florida Courts. Retrieved July 15, 2019 from <https://www.flcourts.org/Resources-Services/Court-Improvement/Family-Courts/Dependency>.
- Dependency (n.d.). California Judicial Branch. Retrieved July 15, 2019 from <http://www.courts.ca.gov/cfcc-dependency.htm>.
- Dey, I. (1999). *Grounding grounded theory: guidelines for qualitative inquiry*. San Diego: Academy Press.
- Dias, J.J. & Maynard-Moody, S. (2007). For-profit welfare: Contracts, conflicts, and the performance paradox. *Journal of Public Administration Research and Theory*, 17(2), 189-211.
- Dickerson, J.G., Collins-Camargo, C. & Martin-Galijatovic, R. (2012). How collaborative the collaboration? Assessing interagency collaboration within a juvenile court diversion program. *Juvenile and Family Court Journal*, 63(2), 21-35.
- DiMaggio, P.J. and Powell, W.W. (1983). The iron cage revisited: institutional isomorphism and collective rationality in organizational fields. *American Sociological Review*, 48, pp. 147-160.
- Drug Courts and Other Therapeutic Courts: Juvenile Drug Courts (2019). Washington State Courts. Retrieved July 2019 from https://www.courts.wa.gov/court_dir/?fa=court_dir.psc&tab=3.
- Edelenbos, J., & Klijn, E.H. (2007). Trust in complex decision-making networks: A theoretical and empirical exploration. *Administration & Society*, 39(1), 25-50.
- Edelman, L.B., Krieger, L.H., Eliason, S.R., Albiston C.R., & Mellema, V. (2011). When organizations rule: Judicial deference to institutionalized employment structures. *American Journal of Sociology*, 117(3), 888-954.
- Edelman, L.B. and Suchman, M.C. (1997). The legal environments of organizations. *Annual Review of Sociology*, 23, 479-515.
- Edwards, L.P. and Ray, J.A. (2005). Judicial perspectives on family drug treatment courts. *Juvenile and Family Court Journal*, 56, p. 1
- Emerson, R.M., Fretz, R.I., & Shaw, L.L. (2011). *Writing ethnographic fieldnotes*. University of Chicago Press.
- Epp, C.R. (2009) *Making rights real: Activists, bureaucrats and the creation of the legalistic state*. Chicago: University of Chicago Press.
- Erkine, R. (2011) Children in need of services (CHINS): A better framework for status offenders. Emory University School of Law. Retrieved from http://bartoncenter.net/uploads/fall2011updates/juv_code_rewrite/CHINS_FINAL_121809.pdf.

- Evans, T. (2010). Professionals, managers and discretion: Critiquing street-level bureaucracy. *The British Journal of Social Work*, 41(2), 368-386.
- FAQs (2019). Juvenile & Family Courts, Tennessee State Courts. Retrieved July 2019 from <https://www.tncourts.gov/courts/juvenile-family-courts/faqs>.
- Family Court (2016). Delaware Courts. Retrieved July 15, 2019 from <https://courts.delaware.gov/family/index.aspx>.
- Family Court Programs (2019). Hawaii State Judiciary. Retrieved July 2019 from https://www.courts.state.hi.us/courts/family/family_court_programs.
- Family Dependency Drug Court (2018). Florida Courts. Retrieved July 2019 from <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts/Family-Dependency-Drug-Courts>.
- Family & Juvenile Services (n.d.) Kentucky Court of Justice. Retrieved July 2019 from <https://courts.ky.gov/aoc/familyjuvenile/Pages/default.aspx>.
- Fan, G.H., & Zietsma, C. (2017). Constructing a shared governance logic: The role of emotions in enabling dually embedded agency. *Academy of Management Journal*, 60(6), 2321-2351.
- Fligstein, N. (1991). The structural transformation of American industry: An institutional account of the causes of diversification in the largest firms, 1919-1979. In *The New Institutionalism in Organizational Analysis*, ed. Walter W. Powell and Paul J. DiMaggio, pp. 311-336. Chicago, IL: University of Chicago Press.
- Forrer, J., Kee, J.J., & Boyer, E. (2014). *Governing cross-sector collaboration*. John Wiley & Sons.
- Foster Care Review Board Home (2019). Arizona Judicial Branch. Retrieved July 2019 from <https://www.azcourts.gov/fcrb>.
- Foster Care Review Board Program (2019). Michigan Courts. Retrieved July 15, 2019 from <https://courts.michigan.gov/Administration/SCAO/OfficesPrograms/fcrbp/Pages/Volunteering-for-FCRB.aspx>.
- Frederickson, H.G., Smith, K.B., Larimer, C.W., & Licari, M.J. (2012). *The public administration theory primer*. 2nd Ed. Westview Press.
- Freeman, J. (1997). Collaborative governance in an administrative state. *UCLA L. Rev.*, 45, 1.
- Friedland, R. and Alford, R.R. (1991). Bringing society back in: Symbols, practices, and institutional contradictions. In *The New Institutionalism in Organizational Analysis*, ed. Walter W. Powell and Paul J. DiMaggio, pp. 232-263. Chicago, IL: University of Chicago Press.
- Frumkin, P. and Galaskiewicz, J. (2004). Institutional isomorphism and public sector organizations. *Journal of Public Administration Research and Theory*, 14(3), 283-307.

- Garrow, E.E. and Grusky, O. (2012). Institutional logic and street-level discretion: The case of HIV test counseling. *Journal of Public Administration Research and Theory*, 23(1), 103-131.
- Gazley, B. & Brudney, J.L. (2007). The purpose (and perils) of government-nonprofit partnership. *Nonprofit and Voluntary Sector Quarterly*, 36(3), 389-415.
- Georgia's 2013 Juvenile Justice Reform (2013). Public safety performance report. The Pew Charitable Trusts. Retrieved from <https://gaappleseed.org/media/Georgia20201320Juvenile20Justice20Reform20Summary20BriefJuly2013pdf.pdf>.
- Georgia Appleseed Center for Law and Justice (2008). Common wisdom: Making the case for a new Georgia juvenile code. Retrieved from <https://gaappleseed.org/media/children/reports/summary.pdf>.
- Georgia Appleseed Center for Law (n.d.). Embracing common wisdom: The new juvenile code in Georgia. An assessment. Retrieved from <https://gaappleseed.org/media/JCAP-REPORT-05-01-2018.pdf>.
- Georgia Bar (2012). *Georgia Bar Journal*, 17(7). Retrieved from <https://www.gabar.org/newsandpublications/georgiabarjournal/loader.cfm?csModule=security/getfile&pageID=15132>.
- Georgia Bar (2013). *Georgia Bar Journal*, 19(4). Retrieved from <https://www.gabar.org/newsandpublications/georgiabarjournal/loader.cfm?csModule=security/getfile&pageID=29888>.
- Georgia Bar (2015). *Georgia Bar Journal*, 20(5). Retrieved from https://www.gabar.org/newsandpublications/georgiabarjournal/upload/2-15gbj_web.pdf.
- Georgia Bar (2015). *Georgia Bar Journal*, 20(6). Retrieved from https://www.gabar.org/newsandpublications/georgiabarjournal/upload/4-15gbj_web.pdf.
- Gibson, J.L. (1991). Institutional legitimacy, procedural justice, and compliance with Supreme Court decisions: A question of causality. *Law & Society Review*, 25(3), 631-635.
- Gilmour, R. and Jensen, L. (1998). Reinventing government accountability: Public functions, privatization, and the meaning of state action. *Public Administration Review*, 58(3), pp. 247-257.
- Glenn, E.N. (2011). Constructing citizenship: Exclusion, subordination, and resistance. *American Sociological Review*, 76(1), 1-24.
- Georgia Division of Family and Children Services Child Welfare Policy Manual (2019). Retrieved from <https://odis.dhs.ga.gov/General/Home/DhsManuals/1>.
- Gray, B. (1989). *Collaborating: Finding common ground for multiparty problems*. San Francisco: Jossey-Bass.
- Green, B.L., Rockhill, A. & Burrus, S. (2008). The role of interagency collaboration for substance abusing families involved with child welfare. *Child Welfare*, 87(1), p. 29.

- Greenwood, R., Oliver, C., Lawrence, T.B., & Meyer, R.E. (Eds.) (2017). *The sage handbook of organizational institutionalism*. Sage
- Guo, C. & Acar, M. (2005). Understanding collaboration among nonprofit organizations: Combining resource dependency, institutional, and network perspectives. *Nonprofit and Voluntary Sector Quarterly*, 34(3), pp. 340-361.
- Halliday, S., Burns, N., Hutton, N., McNeill, F., and Tata, C. (2009). Street-level bureaucracy, interprofessional relations, and coping mechanisms: A study of criminal justice social workers in the sentencing process. *Law & Policy*, 31(4), 405-428.
- Hay, C. (2004). Theory, stylized heuristic or self-fulfilling prophecy? The status of rational choice theory in public administration. *Public Administration*, 82(1), 39-62.
- Hefetz, A. and Warner, M. (2004). Privatization in reverse: Explaining the dynamics of the government contracting process. *Journal of Public Administration Research and Theory*, 14(2), 179-190.
- Hellriegel, K.L. and Yates, J.R. (1999). Collaboration between correctional and public school systems serving juvenile offenders: A case study. *Education and Treatment of Children*, 22(1), 55.
- Hepburn, J.R. (1985). The exercise of power in coercive organizations: A study of prison guards. *Criminology*, 23(1), 145-164.
- Henry, N. (2011). *Federal contracting: Government's dependency on private contractors*. In D.C. Menzel and H.L. White (Eds). *The State of Public Administration: Issues, Challenges, and Opportunities* (221-237). M.E. Sharpe.
- Hill, C. & Lynn, L. (2003). Producing human services: Why do agencies collaborate? *Public Management Review*, 5(1), 63-81.
- Hora, P., Schma, W., & Rosenthal, J. (1999). Thera-peutic jurisprudence and the juvenile court movement: Revolutionizing the criminal justice system's response to drug abuse and crime in America. *Notre Dame Law Review*, 74(2).
- House Bill 242 (As passed House and Senate) (2013). Retrieved from <http://www.legis.ga.gov/Legislation/20132014/135887.pdf>.
- Huxham, C. & Vangen, S. (2013). *Managing to collaborate: The theory and practice of collaborative advantage*. Routledge.
- Huxham, C., Vangen, S., Huxham, C., & Eden, C. (2000). The challenge of collaborative governance. *Public Management*, 2(3), 337-357.
- Hypko, P., Tilebein, M., & Gleich, R. (2010). Benefits and uncertainties of performance-based contracting in manufacturing industries: An agency theory perspective. *Journal of Service Management*, 21(4), 460-489.
- Indiana Juvenile Alternative Disposition Programs (2004). Retrieved from <https://www.in.gov/judiciary/iocs/files/pubs-benchbooks-juvenile-alternative-disposition.pdf>.

In re Gault (1967), 387 U.S. 1.

Interbranch Commission on Juvenile Justice (2010). Pennsylvania Courts. Retrieved from <http://www.pacourts.us/assets/files/setting-2032/file-1832.pdf#search=%22juvenile%22>.

Jackson, J.R., & Sumner, J. (2017). CHINS Status offender reform in Georgia. Powerpoint. Retrieved from <http://law.emory.edu/faculty-and-scholarship/centers/barton-child-law-and-policy-center/barton-center-presentations.html>.

Jorgensen, T.B. and Bozeman, B. (2007). Public values: An inventory. *Administration & Society*, 39(3), 353-81.

Judicial Council of Georgia Administrative Office of the Courts (2019). Retrieved July 2019 from <https://georgiacourts.gov/>.

Juvenile Code, Georgia Courts (2013). Title 15, Chapter 11 of the Official Code of Georgia Annotated. Retrieved from <https://law.justia.com/codes/georgia/2013/title-15/chapter-11-183>.

Juvenile Court (2019). Commonwealth of Massachusetts. Retrieved July 2019 from <https://www.mass.gov/orgs/juvenile-court>.

Juvenile Court (2019). Iowa Judicial Branch. Retrieved July 2019 from <https://www.iowacourts.gov/iowa-courts/juvenile-court/>.

Juvenile Courts (2019). Utah Courts. Retrieved July 15, 2019 from <https://www.utcourts.gov/courts/juv/>.

Juvenile Court Judges by County (2019). Council of Juvenile Court Judges in Georgia. Retrieved July 2019 from https://georgiacourts.gov/wp-content/uploads/2019/07/Juvenile-Court-Judges-by-County_FY20.pdf.

Juvenile Court Improvement Program (n.d.). Retrieved July 2019 from <https://www.courts.oregon.gov/programs/jcip/Pages/default.aspx>

Juvenile Drug Court (n.d.). North Dakota Courts. Retrieved July 2019 from <https://www.ndcourts.gov/other-courts/juvenile-drug-court>.

Keeler, R.L. (2013). Managing outsourced administrative discretion. *State and Local Government Review*, 45(3), 183-188.

Keiser, L.R. (2010). Understanding street-level bureaucrats' decision making: Determining eligibility in the social security disability program. *Public Administration Review*, 70(2), 247-257.

Kettl, D.F. (2006). Managing boundaries in American administration: The collaboration imperative. *Public Administration Review*, 66(s1), 10-19.

Key, G. (2007). Georgia's juvenile code: A case for revision. JUSTGeorgia. Retrieved from <http://bartoncenter.net/work/JUSTGeorgia.html>.

Key, G. & Reba, S. (2007) Georgia's juvenile code revision: Juvenile code revision efforts in other states. JUSTGeorgia. Retrieved from

- http://bartoncenter.net/uploads/fall2011updates/juv_code_rewrite/Juv_Code_Revision_in_%20other_States.pdf.
- Kim, S. (2009). Revising Perry's measurement scale of public service motivation. *The American Review of Public Administration*, 39(2), 149-163.
- Klijn, E.H. and Edelenbos, J. (2012). The influence of democratic legitimacy on outcomes in governance networks. *Administration & Society*, 45(6), 627-650.
- Klingner, D. E. and Nalbandian, J. (1998). *Public personnel management: Contexts and strategies*. New Jersey: Prentice Hall.
- Knudsen, H.K., Ducharme, L.J., & Roman, P.M. (2007). The use of antidepressant medications in substance abuse treatment: The public-private distinction, organizational compatibility, and the environment. *Journal of Health and Social Behavior*, 48, 195-210.
- Koliba, C.J., Mills, R.M., & Zia, A. (2011). Accountability in governance networks: An assessment of public, private, and nonprofit emergency management practices following Hurricane Katrina. *Public Administration Review*, 71(2), 210-220.
- Kras, K.R., Portillo, S., & Taxman, F.S. (2017). Managing from the middle: Frontline supervisors and perceptions of their organizational power. *Law & Policy*, 39(3), 251-236.
- Lamothe, M. & Lamothe, S. (2012). What determines the formal versus relational nature of local government contracting? *Urban Affairs Review*, 48(3), 322-353.
- Lane, E. (2003). Due process and problem-solving courts. *Fordham Urb. LJ*, 30, 955-1026.
- Lawson, H.A. (2004). The logic of collaboration in education and the human services. *Journal of Interprofessional Care*, 18(3), 225-237.
- Lipsky, M. (1980). *Street-Level Bureaucracy: Dilemmas of the Individual in Public Service*. Russell Sage Foundation.
- Lipsky, M. (2010). *Street-level bureaucracy, 30th Ann. Ed: Dilemmas of the Individual in Public Service*. Russell Sage Foundation.
- Longoria, R.A. (2005). Is inter-organizational collaboration always a good thing? *J. Soc. & Soc. Welfare*, 32, 123.
- Lee, M.D.P. & Lounsbury, M. (2015). Filtering institutional logics: Community variation and differential responses to the institutional complexity of toxic waste. *Organization Science*, 26(3), 847-866.
- Louisiana Supreme Court (n.d.). Retrieved July 2019 from <http://www.lasc.org/>.
- Lounsbury, M.D.P., & Boxenbaum, E. (2013). Institutional logics in action. In *Institutional Logics in Action, Part A* (pp. 3-22). Emerald Group Publishing Limited.

- Lynn, Jr., L.E. (2009). Restoring the rule of law to public administration: What Frank Goodnow got right and Leonard White didn't. *Public Administration Review*, 69(5), pp. 803-813.
- Maine's Drug Treatment Courts (2011). Retrieved July 2019 from https://www.courts.maine.gov/maine_courts/drug/index.html.
- Mandell, M.P. (2002). Types of collaboration and why the differences really matter (partnerships and networks). *The Public Manager*, 31(4), 36-40.
- Mandell, M. & Steelman, T. (2003). Understanding what can be accomplished through interorganizational innovations: The importance of typologies, context, and management strategies. *Public Management Review*, 5(2), 197-224.
- March, J.G. and Olsen. J.P. (1995). *Democratic Governance*. Free Press.
- Mather, L. (1991). Policy making in state trial courts. In *American Courts: A Critical Assessment*, ed. Gates, John B. and Charles A. Johnson, 119-157. Washington, DC: Congressional Quarterly.
- Matz, S.J., Murphy, D.V., Harris, C., Dorris, M., Fallon, L.A. (2004). Georgia GAL juvenile court deprivation case reference manual. Retrieved from http://bartoncenter.net/work/childwelfare/Representation-and-the-Right-to-Counsel/GAL_Manual1.html.
- Maynard-Moody, S. & Musheno, M. (2000). State agent or citizen agent: Two narratives of discretion. *Journal of Public Administration Research and Theory*, 10(2), 329-358.
- Maynard-Moody, S. & Musheno, M. (2003). *Cops, teachers, counselors: Stories from the front-line of public service*. Ann Arbor: University of Michigan Press.
- Maynard-Moody, S., Musheno, M., & Palumbo, D. (1990). Street-wise social policy: Resolving the dilemma of street-level influence and successful implementation. *Western Political Quarterly*, 43, 833-848.
- Maynard-Moody, S. and Portillo, S. (2010). Street-level bureaucracy theory. In *The Oxford Handbook of American Bureaucracy*, ed. Durant, Robert F. and Edwards III, George C., 252-277. Oxford: Oxford University Press.
- McCoy, C. (2003). The politics of problem-solving: An overview of the origins and development of therapeutic courts. *American Criminal Law Review*, 40, p. 1513.
- McPherson, C.M., & Sauder, M. (2013). Logics in action: Managing institutional complexity in a drug court. *Administrative Science Quarterly*, 58(2), 165-196.
- Meier, K.J. & O'Toole, L.J. (2006). *Bureaucracy in a democratic state: A governance perspective*. JHU Press.
- Meyer, J.W., & Rowan, B. (1977). Institutionalized organizations: Formal structure as myth and ceremony. *American journal of sociology*. 83(2), 340-363.

- Meyer, R.E., Egger-Peitler, I., Hollerer, M.A. & Hammerschmid, G. (2014). Of bureaucrats and passionate public managers: Institutional logics, executive identities, and public service motivation. *Public Administration*, 92(4), 861-885.
- Meyers, M. & Vorsanger, S. (2007). Street-level bureaucrats and the implementation of public policy. In Peter, B.G., & Pierre, J. (Eds). *Handbook of Public Administration* (245-255).
- Milward, H.B. & Provan, K.G. (2000). Governing the hollow state. *Journal of Public Administration Research and Theory*, 10(2), 359-380.
- Minnesota Judicial Branch (n.d.). Retrieved July 2019 from www.mncourts.gov.
- Minutes of Governor Deal's Inaugural Child Welfare Reform Council Meeting at the Arthur M. Blank Family Foundation Office (May 1, 2014). Retrieved from <https://nathandeal.georgia.gov/meeting-1-may-1-2014-0>.
- Missouri Judicial Branch (n.d.). Retrieved July 2019 from <https://www.mo.gov/government/judicial-branch/>.
- Moe, R.C. (1987). Exploring the limits of privatization. *Public Administration Review*, 47(6), 453-460.
- Moncrieffe, J.M. (1998). Reconceptualizing political accountability. *International Political Science Review*, 19(4), 387-406.
- Moore, M.H. (1995). *Creating public value: Strategic management in government*. Harvard University Press.
- Moulton, S. and Feeney, M.K. (2011). Public service in the private sector: Private loan originator participation in a public mortgage program. *Journal of Public Administration Research and Theory*, 21(3), pp. 547-572.
- New Hampshire Judicial Branch (n.d.) Retrieved July 2019 from <https://www.courts.state.nh.us/index.htm>.
- New Juvenile Court Code Chart (2014). Retrieved from <https://njdc.info/wp-content/uploads/2014/07/New-Juvenile-Court-Code-Chart.pdf>.
- New Mexico (n.d.). New Mexico Family Advocacy Program. Retrieved July 2019 from <https://nmfap.nmcourts.gov/>.
- Nielson, V.L. (2006). Are street-level bureaucrats compelled or enticed to cope? *Public Administration*, 84(4), 861-889.
- Neitz, M.B. (2011). A unique bench, a common code: Evaluating judicial ethics in juvenile court. *Georgetown Journal of Legal Ethics*, 24, 97-136.
- Nolan, Jr., J. L. (2003). Redefining criminal courts: Problem-solving and the meaning of justice. *American Criminal Law Review*, 40, 1541-1566.
- Ocasio, W. (1997). Towards an attention-based view of the firm. *Strategic Management Journal*, 18, 187-206.

- Office of the Child Advocate for the Protection of Children (2014). PowerPoint. Retrieved from <https://nathandeal.georgia.gov/meeting-2-june-12-2014-0>.
- Oklahoma Children's Court Improvement Program (n.d.). Oklahoma State Court. Retrieved July 2019 from <http://www.oscn.net/Sites/CourtImprovement/default.aspx>.
- O'Leary, R. (2018). Collaborative public management: The U.S. perspective. In E.C. Stazyk and H.G. Frederickson (Eds), *Handbook of American Public Administration* (Chapter 12). Edward Elgar.p
- O'Leary, R., Gazley, B., McGuire, M., & Bingham, L.B. (2009). Public managers in collaboration. In R. O'Leary and L.B. Bingham (Eds). *The Collaborative Public Manager: New Ideas for the Twenty-First Century* (1-12). Washington, DC: Georgetown University Press.
- O'Leary, R. & Vij, N. (2012). Collaborative public management: Where have we been and where are we going? *The American Review of Public Administration*, 42(5), 507-522.
- Organization (n.d). Retrieved from <https://www.claytoncountyga.gov/government/courts/juvenile-court/organization>.
- Osborne, D. & Gaebler, T. (1993). *Reinventing government: how the entrepreneurial spirit is transforming the public sector*. Plume.
- O'Toole, L.J. (1997). The implications for democracy in a networked bureaucratic world. *Journal of Public Administration Research and Theory*, 7(3), 443-459.
- Pache, A.C. and Santos, F. (2013). Inside the hybrid organization: Selective coupling as a response to competing institutional logics. *Academy of Management*, 56(4), 972-1001.
- Page, S.B., Stone, M.M., Bryson, J.M., and Crosby, B.C. (2015). Public value creation by cross-system collaborations: A framework and challenges of assessment. *Public Administration*, 93(3), 715-732.
- Pandey, S.K. & Wright, B.E. (2006). Connecting the dots in public management: Political environment, organizational goal ambiguity, and the public manager's role ambiguity. *Journal of Public Administration Research and Theory*, 16(4), 511-532.
- Parrish, M. (1984). The great depression, the new deal, and the American legal order. *Washington Law Review* 59, 723-50.
- Periodic review by judicial citizen review panel. O.C.G.A § 15-11-217 (2013). Retrieved from <https://law.justia.com/codes/georgia/2013/title-15/chapter-11-183/article-3/part-11/section-15-11-216/>.
- Perry, J.L. (1996). Measuring public service motivation: An assessment of construct reliability and validity. *Journal of Public Administration Research and Theory*, 6, 5-22.
- Perry, J.L. (2000). Bringing society in: Toward a theory of public-service motivation. *Journal of Public Administration Research and Theory*, 10, 471-488.

- Perry, J.L. & Wise, L.R. (1990). The motivational bases of public service. *Public Administration Review* 50 (May/June), 367-373.
- Pfeffer, J. & Salancik, G.R. (1978). *The external control of organizations: A resource dependence perspective*. New York: Harper & Row.
- Phillips, N., Lawrence, T.B. & Hardy, C. (2000). Inter-organizational collaboration and the dynamics of institutional fields. *Journal of Management Studies*, 37(1), pp. 22-43.
- Portillo, S. & Rudes, D.S. (2014). Construction of justice at the street level. *Annual Review of Law and Social Science*, 10, 321-334.
- Portillo, S., Rudes, D.S., Viglione, J., & Nelson, M. (2013). Front-stage stars and backstage producers: The role of judges in problem-solving courts. *Victims & Offenders*, 8(1), 1-22.
- Powell, W.W. & DiMaggio, P.J. (Eds). (2012). *The new institutionalism in organizational analysis*. University of Chicago Press.
- Prescott, D. E. (2009). Unified family courts and the modern judiciary as a street-level bureaucracy: To what end for the mythical role of judges in a democracy. *QLR*, 27(1), 55-112.
- Problem Solving Courts (n.d.). Colorado Judicial Branch. Retrieved July 20, 2019 from <https://www.courts.state.co.us/Administration/Unit.cfm?Unit=prbsolcrt>.
- Prottas, J.M. (1978). The power of the street-level bureaucrat in public service bureaucracies. *Urban Affairs Quarterly*, 13(3), 285-312.
- Provan, K.G., Isett, K.R., Milward, H.B. (2004). Cooperation and compromise: A network response to conflicting institutional pressures in community mental health. *Nonprofit and Voluntary Sector Quarterly*, 33(3), 489-514.
- Purdy, J.M. & Gray, B. (2009). Conflicting logics, mechanisms of diffusion, and multilevel dynamics in emerging institutional fields. *Academy of Management Journal*, 52(2), 355-380.
- Purpose, O.C.G.A. § 15-11-100 (2013). Retrieved from <https://law.justia.com/codes/georgia/2014/title-15/chapter-11/article-3/part-1/section-15-11-100/>
- Quinn, M.C. (2000). Whose team am I on anyway – musings of a public defender about drug treatment court practice. *NYU Rev. L. & Soc. Change*, 26, 37.
- Rainey, H.G. (1993). Toward a theory of goal ambiguity in public organizations. *Research in public administration*, 2(1), 121-166.
- Rainey, H.G. (1997). *Understanding and managing public organizations*. San Francisco, Calif.: Jossey-Bass.

- Rainey, H.G. & Steinbauer, P. (1999). Galloping elephants: Developing elements of a theory of effective government organizations. *Journal of Public Administration Research and Theory*, 9, 1-32.
- Rao, H., Monin, P., & Durand, R. (2003). Institutional change in Toque Ville: Nouvell cuisine as an identity movement in French gastronomy. *American Journal of Sociology*, 108(4), 795-843.
- Reay, T., Goodrick, E., Waldorff, S.B., & Casebeer, A. (2017). Getting leopards to change their spots: Co-creating a new professional role identity. *Academy of Management Journal*, 60(3), 1043-1070,
- Reay, T. & Hinings, C.R. (2009). Managing the rivalry of competing institutional logics. *Organization studies*, 30(6), 629-652.
- Reay, T. and Jones, C. (2016). Qualitatively capturing institutional logics. *Strategic Organization*, 14(4), 441-454.
- Reddick, C.G. (2008). Collaboration and homeland security preparedness: A survey of US city managers. *Journal of Homeland Security and Emergency Management*, 5(1), 157-167.
- Resnik, J. (1982). Managerial judges. *Harv. Law Review*, 96, 374.
- Reynaers, A.M. (2014). Public values in public-private partnerships. *Public Administration Review*, 74(1), 41-50.
- Rhode Island Judiciary (2014). Retrieved July 2019 from <https://www.courts.ri.gov/Pages/default.aspx>.
- Riccucci, N. (2005). *How management matters: Street-level bureaucrats and welfare reform*. Georgetown University Press.
- Riccucci, N.M., Meyers, M.K., Lurie, I., & Han, J.S. (2004). The implementation of welfare reform policy: The role of public managers in front-line practices. *Public Administration Review*, 64(4), 438-448.
- Rights and Rehabilitation in the Juvenile Courts (1967). *Columbia Law Review*, 67(2), pp. 281-342.
- Rogers, D.L. & Whetten, D.A. (1982). *Interorganizational coordination: Theory, research, and implementation*. Iowa State University Press.
- Romzek, B.S., & Dubnick, M.J. (1987). Accountability in the public sector: Lessons from the Challenger tragedy. *Public Administration Review*, 227-238.
- Romzek, B., LeRoux, K., Johnston, J., Kempf, R.J., Piatak, J.S. (2013). Informal accountability in multisector service delivery collaborations. *Journal of Public Administration Research & Theory*, 24(4), 813-842.

- Romzek, B.S. and Johnson, J.M. (2005). State social services contracting: Exploring the determinants of effective contract accountability. *Public Administration Review*, 65(4), 436-449.
- Rosenbloom, D. H., & Hung, M. J. (2009). Administrative law and culture for the U.S. collaborative governance state. *J. of Disp. Resol.*, 2009, 327-547.
- Rosenbloom, D. and Piotrowski, S. (2005). Outsourcing the constitution and administrative Law norms. *The American Review of Public Administration*, 35(2), pp. 103-118.
- Rottman, D.B. (2000). Does effective therapeutic jurisprudence require specialized courts (and do specialized courts imply specialist judges)? *Court Review*, 37, pp. 22-54.
- Rudes, D.S. & Portillo, S. (2012). Roles and power within federal problem solving courtroom workgroups. *Law & Policy*, 34(4), 402-427.
- Sandfort, J. (2000). Moving beyond discretion and outcomes: Examining public management from the front-lines of the welfare system. *Journal of Public Administration Research and Theory*, 10(4), 729-756.
- Savas, E.S. (2000). *Privatization and Public-Private Partnerships*. New York: Seven Bridges Press.
- Saz-Carranza, A. & Longo, F. (2012). Managing competing institutional logics in public-private joint ventures. *Public Management Review*, 14(3), 331-357.
- School Justice Partnerships (2018). Florida Courts. Retrieved July 2019 from <https://www.flcourts.org/Resources-Services/Court-Improvement/Family-Courts/School-Justice-Partnerships>.
- Services, Self-Help, Treatment Courts (2017). Montana Judicial Branch. Retrieved July 15, 2019 from <https://courts.mt.gov/courts/dcourt/8th/services>.
- Skelcher, C. & Sullivan, H. (2008). Theory-driven approaches to analysing collaborative performance. *Public Management Review*, 10(6), pp. 751-771.
- Skowronek, S. (1982) *Building a new American state: The expansion of national administrative capacities, 1877-1920*. New York: Cambridge University Press.
- Silva, C. (2018). Evaluating collaboration: The solution to one problem often causes another. *Public Administration Review*, 78(3), 472-478.
- Smith, S. and Lipsky, M. (1993). *Nonprofits for hire: The welfare state in the age of contracting*. Cambridge, Massachusetts: Harvard University Press.
- South Carolina Judicial Branch (2019). Retrieved July 15, 2019 from <https://www.sccourts.org/>.
- South Dakota Unified Judicial System (2019). Retrieved July 2019 from <https://ujs.sd.gov/>.
- Sowa, J.E. (2009). The collaboration decision in nonprofit organizations: Views from the front line. *Nonprofit and Voluntary Sector Quarterly*, 38(6), 1003-1025.

- Specialty Court Program Overview (n.d.) Nevada Administrative Office of the Courts. Retrieved July 2019 from https://nvcourts.gov/AOC/Programs_and_Services/Specialty_Courts/Overview/.
- Specialty Courts (n.d.). About Texas Courts. Retrieved July 2019 from <https://www.txcourts.gov/about-texas-courts/specialty-courts/>.
- Spitzmueller, M.C. (2018). Remaking ‘community’ mental health: Contested institutional logics and organizational change. *Human Service Organizations: Management, Leadership & Governance*, 42(2), 123-145.
- Standards for Georgia Accountability Courts (2016). Retrieved from <https://www.gaaccountabilitycourts.org/Accountability%20Court%20Standards%20Revised%201%207%2016%20%20Changes%20Accepted.pdf>.
- State of Connecticut Judicial Branch (2017). Retrieved July 2019 from <https://jud.ct.gov/>.
- Sunshine, J. & Tyler, T.R. (2003). The role of procedural justice and legitimacy in shaping public support for policing. *Law & Society Review*, 37(3), 513-548.
- Therapeutic Courts (n.d.). Alaska Court System. Retrieved July 15, 2019 from <http://www.courts.alaska.gov/therapeutic/index.htm#family>.
- Thomson, A.M., & Perry, J.L. (2006). Collaboration processes: Inside the black box. *Public Administration Review*, 66, 20-32.
- Thornton, P.H. (2002). The rise of the corporation in a craft industry: Conflict and conformity in institutional logics. *Academy of Management Journal*, 45, 81-101.
- Thornton, P.H. (2004). Markets from culture: Institutional logics and organizational decisions in higher education publishing. Stanford, CA: Stanford University Press.
- Thornton, P.H., Jones, C., & Kury, K. (2005). Institutional logics and institutional change in organizations: Transformation in accounting, architecture, and publishing. In *Transformation in cultural industries*. Emerald Group Publishing Limited.
- Thornton, P.H. & Ocasio, W. (1999). Institutional logics and the historical contingency of power in organizations: Executive succession in the higher education publishing industry. *American Journal of Sociology*, 105(3), pp. 801-843.
- Thornton, P.H. & Ocasio, W. (2008). Institutional logics. In R. Greenwood, C. Oliver, R. Suddaby, & K. Sahlin-Andersson (Eds.), *The Sage Handbook of Organizational Institutionalism* (99-128). Sage.
- Thornton, P., W. Ocasio, and M. Lounsbury (2012). Thee Institutional Logics Perspective: A New Approach to Culture, Structure, and Process. Oxford, UK: Oxford University Press.
- Through the Eyes of the Child Initiative: Juvenile Justice and Child Welfare Concerns (2019). Nebraska Supreme Court. Retrieved July 15, 2019 from <https://supremecourt.nebraska.gov/programs-services/court-improvement-project/through-eyes-child-initiative-0>).

- Torchia, M., Calabro, A. and Morner, M. (2013). Public-private partnerships in the health care sector: A systematic review of the literature. *Public Management Review*, 17(2), 236-261.
- Treatment Courts (n.d.). Minnesota Judicial Branch. Retrieved July 15, 2019 from <http://www.mncourts.gov/Help-Topics/DrugCourts.aspx>.
- Treatment Court Programs (2019). West Virginia Courts. Retrieved July 15, 2019 from <http://www.courtswv.gov/lower-courts/treatment-courts.html>
- Trial Courts (n.d.). Alaska Court System. Retrieved July 15, 2019 from <https://courts.alaska.gov/trialcourts/index.htm#programs>.
- 2013 Juvenile Justice Reform Legislation House Bill 242 (n.d.) Just Georgia. Retrieved from <http://law.uga.edu/sites/default/files/Summary%20of%20HB%20242,%20Georgia%27s%20New%20Juvenile%20Code.pdf>.
- Tummers, L.L.G., Bekkers, V., Vink, E., and Musheno, M. (2015). Coping during public service delivery: A conceptualization and systematic review of the literature. *Journal of Public Administration Research and Theory*, 24(4), 1099-1126.
- 2014 Accountability Courts Conference Registration Open (2014). *Georgia Bar Journal*, 20(1), 55, Retrieved from <https://www.gabar.org/newsandpublications/georgiabarjournal/loader.cfm?csModule=security/getfile&pageid=34759><https://www.gabar.org/newsandpublications/georgiabarjournal/loader.cfm?csModule=security/getfile&pageid=34759>
- Tyler, T.R. (2007). *Psychology and the design of legal institutions*, 36-43. Nijmegen, The Netherlands: Wolf Legal Publishers.
- Tyler, T.R. (1994). Psychological models of the justice motive: Antecedents of distributive and procedural justice. *Journal of Personality and Social Psychology*, 67(5), 850-863.
- Tyner, A. and Collins, N. (2017). Strengthening legal representation for dependent children: A best practice guide for attorney and CASA collaboration. Georgia CASA. Retrieved from <https://www.gacasa.org/wp-content/uploads/2017/06/Strengthening-Legal-Representation-Guide.pdf>.
- Van Slyke, D.M. (2007). Agents or stewards: Using theory to understand the government-nonprofit social service contracting relationship. *Journal of Public Administration Research and Theory*, 17(2), pp. 157-187.
- Ventrell, M. (1998). Evolution of the dependency component of the juvenile court. *Juv. & Fam. Ct. J.*, 49, 17.
- Vigoda, E. (2002). From responsiveness to collaboration: Governance, citizens, and the next generation of public administration. *Public Administration Review*, 62(5), 527-540.
- Virginia Drug Treatment Court Dockets (n.d.). Virginia State Courts. Retrieved July 15, 2019 from http://www.courts.state.va.us/courtadmin/aoc/djs/programs/dtc/dtc_directory.pdf.

- Voices for Georgia's Children (2012). *Georgia's child-serving agencies 2012 guide*. Retrieved from <http://georgiavoices.org/wp-content/uploads/2012/09/Child-Serving-Agencies-Guide-2012.pdf>.
- Vurro, C., Dacin, M.T., & Perrini, F. (2010). Institutional antecedents of partnering for social change: How institutional logics shape cross-sector social partnerships. *Journal of Business Ethics*, 94, 39-53.
- Waldman, R.J. (2015). Representing the whole child: A Georgia juvenile defender training manual. 2nd Ed. Barton Juvenile Defender Clinic, Emory University Law School. Retrieved from http://bartoncenter.net/uploads/publications_staff/Whole%20Child_2015_FINAL_linked.pdf,
- Wales, H.W., Hiday, V.A., and Ray, B. (2010). Procedural justice and the mental health court judge's role in reducing recidivism. *International Journal of Law and Psychiatry*, 3(4), 265-271.
- Walker, Peggy (2014). Judicial process. Powerpoint. Retrieved from <https://nathandeal.georgia.gov/meeting-2-june-12-2014-0>.
- Waterman, R.W., & Meier, K.J. (1998). Principal-agent models: an expansion? *Journal of Public Administration Research and Theory*, 8(2), 173-202.
- Waugh, Jr., W. & Streib, G. (2006). Collaboration and leadership for effective emergency management. *Public Administration Review*, 66(s1), 131-140.
- Weatherley, R. & Lipsky, M. (1977). Street-level bureaucrats and institutional innovation: Implementing special-education reform. *Harvard Educational Review*, 47(2), 171-197.
- Welcome to Idaho's Problem Solving Courts (n.d.). State of Idaho Judicial Branch. Retrieved July 15, 2019 from <https://isc.idaho.gov/solve-court/home>.
- Welcome to Illinois Courts (n.d). Retrieved July 2019 from <http://www.illinoiscourts.gov/>.
- Weston, B. (2016). Balancing rehabilitation and punishment: Combining juvenile court waiver mechanisms to create a balanced justice system. *American Criminal Law Review*, 53. pp. 235-
- What will the new Juvenile Code change? (n.d.). Just Georgia. Retrieved from https://gaappleseed.org/media/Code_Changes_080213--1-.pdf.
- What programs comprise the Council of Juvenile Court Judges? (2019). Council of Juvenile Court Judges in Georgia. Retrieved July 2019 from https://georgiacourts.gov/wp-content/uploads/2019/07/CJCJ_Programs.pdf.
- White, L.D. (1955). Introduction to the study of public administration. Reprinted in *Classics of Public Administration*, 7th ed., by Jay M. Shafritz and Albert C. Hyde (2012).
- Widner, K. (n.d). Children in need of services: A guide to cases under Article 5 of Georgia's new juvenile code. *Just Georgia*. Retrieved from

- <http://law.uga.edu/sites/default/files/Guide%20to%20Children%20In%20Need%20of%20Services%20Procedures%20in%20Georgia%27s%20New%20Juvenile%20Code.pdf>.
- Willcott, A. (2016). Annual report: Calendar year 2016. Georgia Office of the Child Advocate for the Protection of Children. Retrieved from https://oca.georgia.gov/sites/oca.georgia.gov/files/related_files/document/OCA%20annual%20report%202016_Layout_1.10.17.pdf.
- Willcott, A. & Carreras, J. (2014). Georgia's new juvenile code: Where is Georgia juvenile practice heading in 2014. Retrieved from <http://law.emory.edu/faculty-and-scholarship/centers/barton-child-law-and-policy-center/barton-center-presentations.html>.
- Wilkes, F. B. (2015). Citizen-review panel helps children in need. *Coastal Courier*. Retrieved from <https://coastalcourier.com/opinion/citizen-review-panel-helps-children-in-need/>.
- Willems, T. and Van Dooren, W. (2011). Lost in diffusion? How collaborative arrangements lead to an accountability paradox, *International Review of Administrative Sciences*, 77(3), 505-530.
- Wood, D.J. and Gray, B. (1991). Toward a comprehensive theory of collaboration. *The Journal of Applied Behavioral Science*, 27(2), pp. 139-162.
- Word, J. & Carpenter, H. (2013). The new public service? Applying the public service motivation model to nonprofit employees. *Public Personnel Management*, 42(3), pp. 315-337.
- Worthington, K.L., Dorris, M., Taylor, J. and Fallon, L. (2004). Georgia Parent Attorney Juvenile Court Deprivation Case Reference Manual. Retrieved from http://bartoncenter.net/resources/JuvenileCourtRefManuals/200405/ParentAtty_Manual1.html.
- Wyoming Judicial Branch (2019). Retrieved July 2019 from <https://www.courts.state.wy.us/>.
- Yang, K., Hsieh, J.Y., & Li, T.S. (2009). Contracting capacity and perceived contracting performance: Nonlinear effects and the role of time. *Public Administration Review*, 69(4), 681-696.
- Youth court deskbook (2009). Retrieved July 2019 from https://courts.ms.gov/trialcourts/youthcourt/2009_youthcourt_deskbook.pdf.

Appendix A: Examples of Problem-Solving Collaborations across the United States

The following table was compiled through a review of state court websites. It documents explicit mentions of problem-solving collaborations found on these websites regarding the state-wide juvenile court systems. (This table does not include Court Appointed Special Advocate (CASA) programs.) There is quite a bit of variation regarding the information provided on these websites. Therefore, an absence of a notation does not provide definitive proof that a state does not employ a problem-solving collaboration. Some courts may include this information on county court websites, for example, rather than state websites. (For example, the state court website for the state of Georgia fails to mention any problem-solving collaborations at the time of review.) Rather, this table is meant to demonstrate the extensive use of problem-solving collaborations across the country.

Table A1

	Accountability Court	Citizen Review Panel	Interagency/multidisciplinary team	Other formalized partnership
Alabama				
Alaska	X ¹⁶			X ¹⁷
Arizona		X ¹⁸		X ¹⁹
Arkansas				X ²⁰
California	X ²¹		X ²²	
Colorado	X ²³			X ²⁴
Connecticut				
Delaware				

¹⁶ Therapeutic courts (n.d.)

¹⁷ Trial courts (n.d.)

¹⁸ Foster Care Review Board Home (2019)

¹⁹ Committee on Juvenile Courts (2019)

²⁰ Arkansas Juvenile Division Courts (2012-2015)

²¹ Collaborative Justice Courts (n.d.)

²² Dependency (n.d.)

²³ Problem Solving Courts (n.d.)

²⁴ Court Improvement Program/Dependency and Neglect (n.d.)

Florida	X ²⁵			X ²⁶
Georgia				
Hawaii	X ²⁷			
Idaho	X ²⁸			
Illinois				
Indiana				X ²⁹
Iowa				
Kansas		X ³⁰		
Kentucky	X ³¹	X ³²		
Louisiana				
Maine	X ³³			
Maryland				
Massachusetts				
Michigan		X ³⁴		
Minnesota	X ³⁵			
Mississippi			X ³⁶	
Missouri				
Montana	X ³⁷			
Nebraska ³⁸			X	
Nevada	X ³⁹			
New Hampshire				
New Jersey		X ⁴⁰		
New Mexico			X ⁴¹	
New York			X ⁴²	X ⁴³
North Carolina				X ⁴⁴

²⁵ Family Dependency Drug Courts (2018)

²⁶ School Justice Partnerships (2018)

²⁷ Family Court Programs (2019).

²⁸ Welcome to Idaho's Problem Solving Courts (n.d).

²⁹ Indiana Juvenile Alternative Disposition Programs (2004)

³⁰ Citizen Review Board (CRB) Program (2007).

³¹ Family & Juvenile Services (n.d.)

³² Citizen Foster Care Review Board (2019). Retrieved from <https://courts.ky.gov/courtprograms/cferb/Pages/default.aspx>.

³³ Maine's Drug Treatment Courts (2011).

³⁴ Foster Care Review Board Program (2019).

³⁵ Treatment Courts (n.d.)

³⁶ Youth Court Deskbook (2009).

³⁷ Services: Self Help, Treatment Court (2017).

³⁸ Through the Eyes of the Child Initiative: Juvenile Justice and Child Welfare Concerns (2019).

³⁹ Specialty Court Program Overview (n.d.)

⁴⁰ Child Placement Review/Child Placement Advisory Council (2018).

⁴¹ New Mexico Family Advocacy Program (n.d.).

⁴² Court Initiatives (2015).

⁴³ Child Welfare Court Improvement Project (2019).

⁴⁴ About Juvenile Court Improvement Program (n.d.)

North Dakota	X ⁴⁵			
Ohio				
Oklahoma				X ⁴⁶
Oregon		X ⁴⁷		X ⁴⁸
Pennsylvania				X ⁴⁹
Rhode Island				
South Carolina				
South Dakota				
Tennessee		X ⁵⁰		
Texas	X ⁵¹			
Utah	X ⁵²			
Vermont				
Virginia	X ⁵³			
Washington	X ⁵⁴			
West Virginia	X ⁵⁵			
Wisconsin				X ⁵⁶
Wyoming				

⁴⁵ Juvenile Drug Court (n.d.).

⁴⁶ Oklahoma Children's Court Improvement Program (n.d.).

⁴⁷ Citizen Review Board: Oregon's Foster Care Review Program (n.d.).

⁴⁸ Juvenile Court Improvement Program (n.d.).

⁴⁹ Interbranch Commission on Juvenile Justice (2010).

⁵⁰ FAQs (2019).

⁵¹ Specialty Courts (n.d.).

⁵² Juvenile Courts (n.d.).

⁵³ Virginia Drug Treatment Court Dockets (n.d.).

⁵⁴ Drug Courts and Other Therapeutic Courts: Juvenile Drug Courts (2019).

⁵⁵ Treatment Court Programs (2019).

⁵⁶ Court Programs: Children's Court Improvement Program (n.d.).

Appendix B: Types of Documents Analyzed

The following Table illustrates some of the types of documents analyzed for the purpose of this dissertation. The table does not include, however, the over fifty websites analyzed for Appendix A.

Table B1

Document Type	Data Analyzed	Number of documents	Number of pages
Bar Journal	Summaries of the law	4	348
Policy publications	Best practices	5	69
Resource Guide	List of child welfare agencies and services; standards for collaborations	2	108
Training Manuals	Process and procedures	3	330
Legislation and bills	Laws	2	496
Summary of legislative reform	Legal standards	4	65
Advocacy papers	Best practices	2	131
Meeting minutes	discussions	1	7
Georgia Child Welfare Reform reports		2	208
PowerPoints	Best practices, summaries	3	173
Press releases	Archival data	2	2
Annual report	Trends, statistics	1	25